

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5209 OF 2019

**RAJENDRA TANAJI JADHAV AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioners : Shri P.D. Bachate
AGP for Respondent Nos. 1 and 2 : Shri S. P. Tiwari
Advocate for Respondent No. 4 : Shri A. D. Sonar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 15th JULY, 2019.

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PER COURT :

1. The petitioners have approached this Court by filing this petition on 15/04/2019 for challenging the order of the Divisional Commissioner, Nashik dated 25/03/2019 which was received by the petitioners on 30/03/2019. The learned Advocate submits that in fact the petition was ready on 12/04/2019 and it was affirmed before the Notary in the District Court and then tendered in this Court on 15/04/2019.

2. The learned AGP submits that the petitioners have a remedy of approaching the State by filing a Revision Petition under Section 39(3) of the Maharashtra Village Panchayat Act.

3. The learned Advocate appearing on behalf of respondent No.4 on advocate's notice, opposes any liberty being granted to the petitioners for approaching the State and prays that the petition be dismissed.

4. I am of the view that when a statutory efficacious remedy is available, the litigants must exhaust such a remedy instead of approaching this Court directly.

5. In view of the above, this petition is disposed off. Liberty to the petitioners to approach the State by filing an Appeal. If the said Appeal is filed on or before 29/07/2019, within 15 days, the time spent by the petitioners in this Court from 15/04/2019 till the passing of this order, shall be excused.

(RAVINDRA V. GHUGE, J.)

shp/-