

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14282 OF 2019
WITH WP/14283/2019 WITH WP/14284/2019 WITH
WP/14285/2019 WITH WP/14286/2019 WITH WP/14287/2019
WITH WP/14288/2019 WITH WP/14289/2019

DNYANDEO SABAJI WAFARE AND OTHERS
VERSUS
RAMCHANDRA DHONDIBA ROKADE AND OTHERS

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Advocates for Petitioners : Shri Kulkarni M.S.
h/f Shri Mane Anup D. and Shri Sawant A.S.
AGP for Respondents: Shri Kale A.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 28, 2019

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PER COURT :-

1. Considering the statutory provision under Section 35 of the Maharashtra Prevention of Fragmentation and Consolidation Act, the petitioners have a statutory remedy.

2. I find that the Honourable Apex Court has recently taken a view in Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [(2019) SCC ONLINE SC 1292], that the existence of a statutory remedy is "Near Total Bar" for exercising supervisory jurisdiction by the High Court under Article 227 of the Constitution of India. In yet another order, delivered on 22.11.2019 by the Honourable Apex Court, in the matter of Genpact India Private

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2-WRIT PETITION NO.14282 OF 2019

Limited Vs. Deputy Commissioner of Income Tax - Civil Appeal
No.8945 of 2019, decided on 22.11.2019, it has been held that even
an admitted petition will have to be dismissed in the wake of a
statutory remedy available.

3. The learned Advocate for the petitioners submit that they
would avail the statutory remedy within six weeks from today and
the time spent in this Court be excused in the event of any delay.

4. In view of the above, all these petitions are disposed off, with
liberty to the petitioners to avail of the statutory remedy. The time
spent by the petitioners in this Court from 13.8.2019 until six weeks
from today, would be a good ground for condonation of delay. All
contentions of the litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

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