

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

WRIT PETITION NO. 14236 OF 2019

IBRAHIM PAPAMIYA MULANI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Shri Ajinkya Kale h/f.
Shri S.B.Talekar
AGP for Respondent Nos. 1 to 5 : Shri P. M. Kulkarni
...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 25th NOVEMBER, 2019.

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PER COURT :

1. The petitioners seek to challenge the order dated 10/01/2019 delivered by the Additional Divisional Commissioner, Aurangabad under Section 257 of the MLR Code, 1966. The matter pertains to a mutation entry.

2. The Honourable Apex Court has held in ***Gurudassing Nawoosing Panjwani Vs. State of Maharashtra, [2015 (6) Mh.L.J. 915]*** that a second revision by way of a statutory remedy is available before the State.

3. The Honourable Apex Court has taken a strict view recently in the matter of ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & Ors. Vs. Tuticorin Educational Society & Ors. in 2019 SCC online SC 1292***, that a Writ Petition under the supervisory jurisdiction of this Court is not to be entertained when there is a statutory remedy available. It would amount to a 'Near Total Bar' on the supervisory jurisdiction of the High Court.

4. In the order delivered by the Honourable Apex Court in the matter of ***Genpact India Private Limited vs Deputy Commissioner Of Income Tax, decided on 19/08/2019***, it has been held that if a statutory remedy is available, even an admitted petition before the High Court should be dismissed.

5. In view of the above, this petition is disposed off with liberty to the petitioner to avail of the remedy as is permissible in law.

6. In view of the pendency of the petition in this Court, the time spent by the petitioners from 03/10/2019 till the passing of this order shall be considered as a good ground for seeking condonation of delay, if any.

(RAVINDRA V. GHUGE, J.)

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