

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

970 WRIT PETITION NO.13775 OF 2019

SHAILENDRA KASHINATH GAJESHWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Brahme Shailesh P.
AGP for Respondents 1 & 2 : Shri Kale A.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 15, 2019

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PER COURT :-

1. The petitioners seek to challenge the order passed by the Deputy Director (Land Records), Nasik dated 6.9.2019.

2. Considering the law laid down by the Honourable Apex Court in the case of Gurudassing Nawoosing Panjwani Vs. State of Maharashtra (2016) 2 SCC 213 and taking into account Section 257(3) and (4) of the Maharashtra Land Revenue Code, the petitioners have a statutory remedy of approaching the State Government within 90 days. So also, the Honourable Apex Court has recently delivered a verdict in the matter of Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [(2019) SCC ONLINE SC 1292], clearly laying down the law that when a statutory remedy is available, it would operate as "Near Total Bar" for the High Court to entertain a Writ Petition in its supervisory

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jurisdiction under Article 227 of the Constitution of India.

3. The learned Advocate for the petitioners, therefore, submits that the petitioners would expeditiously approach the State Government to avail of the statutory remedy.

4. This petition is, therefore, disposed off with liberty as is permissible in law. The time spent by the petitioners in this Court from 19.10.2019 till the passing of the order, shall be a ground for condonation of delay.

(RAVINDRA V. GHUGE, J.)

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