

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4424 OF 2018

EKHNATH BALWANTA GAWALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.P.K.Palve, Advocate for the petitioner.

Mr.N.T.Bhagat, AGP for State.

Mr.A.Y.Pandule, Advocate for respondent Nos. 5 to 8.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 17/02/2020

PER COURT :

1. The petitioner seeks to challenge the order passed by the Additional Commissioner dated 20/11/2017 u/s 257 of the M.L.R. Code, 1966.

2. The learned AGP submits that the petitioner has a statutory remedy of filing a second revision before the Hon'ble Minister.

3. I find that the Hon'ble Apex Court has held in Gurudassing Nawoosing Panjwani vs. State of Maharashtra and others, 2016 (2) SCC 213, that a second revision would be maintainable before the State. So also, the Hon'ble Apex Court has concluded in the matter

of Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [2019 SCC Online SC 1292] and Genpact India Private Limited Vs. Deputy Commissioner of Income Tax, Civil appeal No.8945/2019, dated 22/11/2019, that the availability of a statutory remedy is a 'near total bar' for this Court in exercising it's supervisory jurisdiction under Article 227 of the Constitution of India.

4. In view of the above, this petition is disposed off with liberty to the petitioner. The time spent by the petitioner in this Court from 24/01/2018 till the passing of this order, would be a ground for seeking condonation of delay.

(Ravindra V.Ghuge, J.)