

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4384/2017

Prabhu S/o Gadiji Khade

..V/s..

The State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.U. Nemade, Advocate for the petitioner.
Ms M.A. Barabde, A.G.P. for respondent Nos.1 to 4.
Shri S.S. Ghate, Advocate for respondent No.5.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 28.1.2020.

1] The petitioner seeks to challenge the order of the Additional Commissioner, Nagpur dated 3.11.2016 by which, the first revision under Section 257 of the Maharashtra Land Revenue Code, 1966 has been decided.

2] I find that the Hon'ble Apex Court has delivered a judgment in the matter of *Gurudassing Nawoosing Panjwani Vs. State of Maharashtra [2015(6) Mh.L.J.915]* holding that after the first revision is decided by the Additional Commissioner under the M.L.R. Code, a second revision would be the statutory remedy available to the aggrieved party and as such, a second revision could be filed before the State.

3] In the matter of *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai V/s. Tuticorin Educational Society (2019 SCC Online SC 1292)* and in the matter of *Genpact India Private Limited V/s. Deputy*

Commissioner of Income Tax, Civil Appeal No.8945/2019, dated 22/11/2019, it is held that if a statutory remedy is available, the supervisory jurisdiction of the High Court under Article 227 of the Constitution of India suffers a “*near total bar*” and even an admitted petition will have to be dismissed and the parties will have to be relegated to the statutory remedy.

4] Considering the above, this petition is **disposed off** with liberty to the petitioner to prefer a statutory second revision. If such a revision is presented before the State within a period of three weeks from today, the time spent by the petitioner in this Court from 20.3.2017 until three weeks from today, shall be a good ground for condonation of delay.

5] It be noted that in the event, the petitioner desires to follow the law laid down in the matter of Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar [2003(3) Bom.C.R. 45] and initiate proceedings in the Civil Court so as to crystallize his right, title and interest over the suit property, the time spent in this Court and the time spent before the Revenue Authority, would be excused under Section 14 of the Limitation Act.

(RAVINDRA V. GHUGE, J.)