

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

LD-VC Civil Writ Petition No. 399 of 2020

Vijay Sheshrao Dolas Vs. State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Nagman Ali, Advocate for the Petitioner.
Mrs. K.S. Joshi, Addl. G.P. for the Respondents.

CORAM : SUNIL B. SHUKRE & S.M. MODAK, JJ.
DATE : 6th JULY, 2020.

Heard Shri Nagman Ali, learned counsel for the petitioner and Mrs. K.S. Joshi, learned Additional Government Pleader for the respondents.

2. The reason stated by the learned counsel for the petitioner for not resolving the alternate remedy available under the Maharashtra Land Revenue Code, 1966 is that, there is a breach of principle of rule of law in the sense that no opportunity of hearing was granted to the petitioner and, thus, ultimately fundamental right of the petitioner has been violated.

3. It has been pointed out to us by the learned Additional Government Pleader from the impugned order itself that this petitioner appeared before respondent No.2 but did not submit any written statement or documents in his defence. So, this would not be simply a case of violation of fundamental rights. The petitioner is, therefore, relegated to the alternate remedy available under the Maharashtra Land Revenue Code, 1966 and the petition is disposed of accordingly. No costs.

4. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE

vijay