

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

WRIT PETITION NO.471 OF 2020

(Pramod Madhukar Modse Vs. Divisional Commissioner, Amravati 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 V.B. Bhise, Advocate for Petitioner.
Smt. S.W. Deshpande, Advocate for Respondent No.5.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 27th JANUARY, 2020.

1] The petitioner has challenged the order passed by the Additional Commissioner, Amravati dated 29.08.2019 under Section 257 of the Maharashtra Land Revenue Code, 1966.

2] The Hon'ble Apex Court has delivered the judgment in the matter of *Gurudassing Nawoosing Panjwani v. State of Maharashtra* reported in 2015(6) Mh.L.J. 915, concluding that an order passed by the Additional Commissioner in a first revision under Section 257, is subject to the filing of a second revision before the State, which is a statutory remedy.

3] The Hon'ble Apex Court has recently delivered a judgment in the matter of *Virudhunagar Hindu Nadargal Dharma Paribalana Sabai v. Tuticorin Education Society* reported in (2019 SCC Online SC 1292) in Civil Appeal No.7764/2019, dated 03.10.2019, and in the matter of *Genpact India Private Limited v. Deputy Commissioner of*

Income Tax, Civil Appeal No.8945/2019, dated 22.11.2019, concluding that when a statutory remedy is available, the supervisory jurisdiction of the High Court under Article 227, suffers a 'near total bar'. Even an admitted position can be dismissed and the parties can be relegated to the statutory remedy.

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

5] The time spent by the petitioner in this Court from the filing of this petition on 02.11.2019 till the passing of this order, shall be a good ground for condonation of delay, if any. In the event the applicant prefers an application for interim relief, the State would decide the said application expeditiously.

(Ravindra V. Ghuge, J.)