

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

WRIT PETITION NO.20 OF 2020

(Laxmikant s/o Ganesh Mamidwar and others Vs. Milind s/o Janardhan Meshram
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 M. Anilkumar, Advocate with Ms. Akansha Wanjari, Advocate for
Petitioners.

Mrs. K.R. Deshpande, AGP for Respondent No.8.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 13th JANUARY, 2020.

1] The petitioners are aggrieved by the order dated 25.09.2018 passed by the Additional Commissioner, Nagpur Division, Nagpur under section 257 of the M.L.R. Code by which, their first revision has been rejected.

2] The learned AGP appearing on behalf of respondent no.8 points out that the petitioner has a statutory remedy of preferring a second revision before the State in view of the law laid down by the Hon'ble Apex Court in the matter of mutation entries in ***Gurudassing Nawoosing Panjwani v. State of Maharashtra*** reported in ***2015 (6) Mh.L.J. 915***.

3] The Hon'ble Apex Court has recently delivered two judgments in the matter of ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai v. Tuticorin Educational Society*** reported in ***2019 SCC Online SC 1292*** and in the matter of ***Genpact India Private Limited v. Deputy***

Commissioner of Income Tax in Civil Appeal No.8945/2019, dated 22.11.2019 concluding that when there is a statutory remedy available, the High Court is restrained from exercising its supervisory jurisdiction under Article 227 since the statutory remedy operates as a 'near total bar' on the jurisdiction of the High Court. It is further concluded that even an admitted writ petition should be disposed off and the parties should 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 of preferring a second revision. The time spent by the petitioner in this Court from 27.11.2019 till the passing of this order, shall be a good ground for condonation of delay.

5] Needless to state, all the contentions of the litigating sides are kept open.

(Ravindra V. Ghuge, J.)