

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

WRIT PETITION NO.228 OF 2020

(Late Smt. Parubai @ Shewantabai wd/o Kanthuji Munde (since deceased) by L.Rs.
Shankar Kanthuji Munde and others Vs. Additional Commissioner, Amravati Division,
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 B.N. Mohta, Advocate for Petitioners.
Shri A.M. Balpande, AGP for Respondent Nos.1 to 5.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 13th JANUARY, 2020.

1] The petitioners are aggrieved by the order dated 28.02.2019 passed by the Additional Commissioner, Amravati Division, Amravati by which, their first revision under section 257 of the M.L.R. Code with regard to mutation entries, has been allowed.

2] The learned AGP appearing on behalf of respondent nos.1 to 5 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 17.12.2019 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.)