

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

41 WRIT PETITION NO.3028 OF 2011

GAJARABAI MARUTI SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
AGP for Respondents : Mr. K B Jadhavar
Advocate for Respondents 2-4 : Mr. V S Bedre

...
CORAM : V.K. JADHAV, J.
Dated: February 01, 2021

...

PER COURT :-

1. None present for the petitioners, though duly served with the court notice.
2. The learned A.G.P. appearing for the Respondent/ State has raised a preliminary objection that as against the order impugned, second revision before the State is maintainable in view of the Judgment of the Supreme Court in case of Gurudassing Vs. State of Maharashtra reported in 2015 (6) Mh.L.J. 915.
3. Learned counsel appearing for respondent nos.2 to 4 submits that the respondent/Muktabai Hajare has instituted the R.C.S. No.366 of 2005 against the present

aaa/-

petitioners and one Anandibai for declaration and perpetual injunction in respect of the suit property and respondent no.4-Laxmibai has instituted the R.C.S. No.367 of 2005 against the petitioners herein and Anandibai for declaration and perpetual injunction and in both the suits the trial court has decreed the suit and thereby declared that the defendants/petitioners herein are having no title and concern with the suit property and, accordingly, a decree of perpetual injunction is passed against them. Learned counsel for respondents submits that the said decree passed by the learned Civil Judge J.D. Parner dated 22.12.2010 in both the suits has attained the finality. Learned counsel submits that considering the same, the learned Commissioner has quashed and set aside the orders passed by the authorities below and, accordingly, held that names of the present respondent nos. 2 to 5 shall be mutated in respect of the suit land. Learned counsel submits that instead of challenging this order before the State Government by filing a second revision, the petitioners have challenged the said order by filing writ petition.

aaa/-

Though, the alternate efficacious remedy is available to the petitioners, they have not availed the same. Further, the petitioners are also not responding to the court notice. In view of the above submissions and in view of the ratio laid down by the Supreme Court in the case Gurudassing Vs. State of Maharashtra (supra), this writ petition is disposed off, with the liberty to the petitioners to avail the alternate remedy of filing the second revision before the State Government, if so desired.

(V.K. JADHAV, J.)

...