

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

WRIT PETITION NO.9814 OF 2017

**SHIVNABAI NIVRUTTI PETE DIED THROUGH LRS RAMNATH
NIVRUTTI PETE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Kalyan V. Patil
AGP for Respondents – State : Mrs. G. L. Deshpande
Advocate for Respondent No.3 : Mr. T. M. Venjane

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10th JUNE, 2022

PER COURT :

1. This petition challenges the order passed by the Superintendent of Land Records, Latur in consolidation appeal S.R. No.09/2016.
2. Learned advocate for respondent and learned Assistant Government Pleader for State raised issue of maintainability of the petition on the ground that under Section 247 of the Maharashtra Land Revenue Code, 1966 petitioners have an alternate efficacious remedy.
3. Learned advocate for petitioners strenuously submits that the correction in the consolidation scheme can only be done by the Settlement Commissioner, hence, the correction carried out in the present matter and the impugned order passed by the Superintendent of Land Records is without jurisdiction. Therefore,

this petition may be entertained. By placing reliance on ***Suresh Babu Sankanna and Others Vs. State of Maharashtra and Others, 2018(4) Mh.L.J. 331***, he submits that the High Court can exercise jurisdiction even if the alternate remedy is available.

4. The Hon'ble Supreme Court has ruled in ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Education Society, 2019 SCC Online SC 1292 (Civil Appeal No.7764/2019, decided on 30.10.2019)*** and ***Genpact India Private Limited Vs. Deputy Commissioner of Income Tax and others, (2019) 419 ITR 440***, that if there is a statutory remedy available, the High Court should not entertain the petition filed directly by bypassing such statutory remedy.

5. In the light of the fact that the petitioners have alternate efficacious remedy for challenging the impugned order, this Court is not inclined to exercise it's extraordinary writ jurisdiction.

6. The writ petition is, therefore, dismissed with liberty to the petitioners to file appropriate proceedings before the forum available in law. The time spent by the petitioners in prosecuting the present petition shall be taken into consideration at the time of condonation of delay.

(NITIN B. SURYAWANSHI, J.)