



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7002 OF 2024

SHAINBEGAM WAHED MOMIN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. Mahesh P. Kale, Advocate for the Petitioners.

Mr. V. M. Jaware, Mr. A. V. Lavte and Mr. S. N. Kendre, AGPs for
Respondent Nos.1 to 5 in respective Writ Petitions.

...

AND

WRIT PETITION NO. 7003 OF 2024

AND

WRIT PETITION NO. 7007 OF 2024

AND

WRIT PETITION NO. 7019 OF 2024

AND

WRIT PETITION NO. 7036 OF 2024

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 09th JULY, 2024.

P.C.:-

1. Heard Mr. Kale, learned Advocate appearing for the petitioners and the learned A.G.P. for respondent nos.1 to 5.

2. The learned A.G.P. relying upon the judgment of this Court in *Writ Petition No.12965/2023* in case of *Sadanand Tukaram Suroshe Vs. Ashok Gajanan Suroshe and Ors.* alongwith companion matters submits that the petitioners have alternate remedy to file Revision under Section 257 of the Maharashtra Land Revenue Code. Therefore, Writ Petitions may not be entertained.

3. Per contra, Mr. Kale, learned Advocate appearing for the petitioners relying upon the judgment of this Court in *Writ Petition No.5478/2016* (Nagpur Bench) in case of *Shri. Abdul*

Shahid s/o. Abdul Khalik Patel (Tarique Patel) Vs. Shri. Abdul Rab s/o Abdul Mabud Patel, submits that the alternate remedy is not a bar and particularly remedy under Section 257 of the MLR Code cannot be recognized as alternate and efficacious remedy. Therefore, the Writ Petitions deserve to be entertained. He would further submit that the litigation initiated by the respondents is not bonafide, which can be observed from their conduct.

4. Considering the submissions advanced, issue notice to the respondents, returnable on 20.08.2024. The learned A.G.P. waives notice for respondent nos.1 to 5.

5. Till then, there shall be interim relief in terms of prayer Clause (D).

(S. G. CHAPALGAONKAR)
JUDGE