



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7954 OF 2024

BHAGWAN NARSU GANDHALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. M. P. Kale, Advocate for the Petitioner.

Mr. P. D. Patil, AGP for Respondent Nos.1 to 5.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 30th JULY, 2024.

P.C.:-

1. Heard Mr. Kale, learned Advocate appearing for the petitioner 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 petitioner has alternate remedy to file Revision under Section 257 of the Maharashtra Land Revenue Code. Therefore, Writ Petition may not be entertained.

3. Per contra, Mr. Kale, learned Advocate appearing for the petitioner 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 Petition 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

Devendra/July-2024