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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1911 OF 2023**

Shree Mhalappa Dagadu ... Petitioners
Bandgar and Others

Vs.

Shrimant Narayan Bandgar and Others ... Respondents

Mr. Girish Godbole, Senior Advocate a/w. Mr. Abhijit Kulkarni a/w. Mr. Chinmay Patil i/b. Abhijit Associates for the Petitioners.

Ms. S. S. Bhende, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 21st FEBRUARY 2024

P.C.

1. Learned AGP raises a preliminary objection that the order impugned is appealable, hence the petition may not be entertained.

2. Learned senior counsel appearing for the petitioners does not dispute that the order impugned is appealable. He submits that in view of breach of principles of natural justice the petitioners need not adopt alternative remedy of appeal and he is entitled to invoke the remedy under Article 226 and 227 of the Constitution of India.

3. Learned senior counsel submitted that the report relied upon by the Divisional Joint Registrar was not supplied to the petitioners, hence there is breach of principles of natural justice. I do not find any specific pleading in the petition to support the said submissions. Even otherwise all factual as well as legal errors can be corrected by the appellate authority, including consideration of the submission on breach of principles of natural justice. Hence I do not see any reason to invoke powers under Article 226 of 227 of the Constitution of India, as an efficacious alternate remedy is available.

4. Petitioners are at liberty to adopt appropriate alternative remedy as permissible in law. It is clarified that I have not examined the merits of the petition and hence all contentions of all parties are kept open.

5. Needless to record that the petitioners will be entitled to seek benefit of the period of pendency of this petition for seeking condonation of delay in filing the appeal.

6. Writ Petition is dismissed with liberty as stated above.

[GAURI GODSE, J.]