

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9712 OF 2024

Sakharam Vitthal Dongre Decd Thru Lhrs

And Ors.

...Petitioners

Versus

Yashwant Vithu Dongre Decd Thru Lhrs And Ors.

...Respondents

....

Mr. Prashant Darandale, for the Petitioners.

Mr. Kishor Agetrao for Respondent No.1.

Ms. V.S. Nimbalkar, A.G.P for the Respondent – State.

....

CORAM : AVINASH G. GHAROTE, J.

DATE : 19th JULY, 2024

P.C.:

1. The petition questions the order dated 16.04.2024 (page 141) passed by the Superintendent of Land Records in an Appeal filed by the respondent Nos. 1 to 5. The only ground for bypassing the alternate remedy of revision as available to the petitioner, is that the Appellate Authority has condoned a gross delay of 49 years in filing the Appeal, in respect of a challenge to a consolidated scheme which was finalized in 1973-1974, and was within the knowledge of the respondent Nos.1 to 5. In my considered opinion such a plea can always be raised by the

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petitioner before the Revisional Court.

2. Though *M/s Godrej Sara Lee Ltd v Excise and Taxation Officer-cum-Assessing Authority and Ors AIR 2023 SC 781*, has been relied upon by the petitioner that does not make out a proposition that a remedy available, should always be bypassed by entertaining a petition under Article 226 of the Constitution of India. The exercise of the power under Article 226 is a discretion in the Court which has to be exercised judiciously and in exceptional cases and not in a routine manner, considering which, I do not see any reason to bypass the alternate remedy of revision which is available to the petitioner.

3. The petition is dismissed with liberty to file a revision, if the petitioner is so advised.

(AVINASH G. GHAROTE, J.)