

2026 LiveLaw (SC) 194

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

DIPANKAR DATTA; J., SATISH CHANDRA SHARMA; J.

SPECIAL LEAVE PETITION (CIVIL) DIARY NO.71183/2025; FEBRUARY 20, 2026

MANGAL RAJENDRA KAMTHE *versus* TAHSILDAR, PURANDHAR & ORS.

Constitution of India – Article 226 – Writ Jurisdiction – Interim Relief – Alternative Remedy – The Supreme Court reiterated that once a High Court declines to entertain a writ petition on the ground of an available efficacious alternative remedy, it cannot pass interim orders (such as a stay or status quo) to operate until the petitioner approaches the alternative forum - Order – Interim relief can only be granted in aid of, and as ancillary to, the main relief available upon the final determination of rights - It is impermissible for a High Court to grant interim relief as the "only and final relief" while simultaneously declining to decide on the merits of the case or the rights of the parties.

Judicial Discipline – Supreme Court observed that when proceedings are terminated due to the existence of an alternative remedy, the proceedings do not survive and must end immediately - Passing interim orders in such circumstances "circumvents" statutory provisions and exceeds the scope of Article 226. [Relied on *State of Orissa v. Madan Gopal Rungta* (1952) AIR 1952 SC 12; Paras 6, 7, 8]

[Arising out of impugned final judgment and order dated 17-11-2025 in CP No.713/2025 passed by the High Court of Judicature at Bombay]

For Petitioner(s): Mr. Abdulrahiman Tamboli, Adv. Mr. Mohit Bidhuri, Adv. Mr. Rahul Joshi, AOR

ORDER

1. Delay condoned.
2. The High Court of Bombay has declined to initiate proceedings for contempt by the impugned order dated 17th November, 2025, on the ground of absence of any element of 'civil contempt'. We see no reason to interfere therewith; hence, the special leave petition is dismissed.
3. Pending application(s), if any, shall stand disposed of.
4. A parting observation, however, seems to be necessary considering the contents of the order of which contempt was alleged. The High Court, by its order dated 8th September 2025, allowed the petitioner to withdraw his writ petition because a remedy of revision under Section 23(2) of the Mamlatdar's Court Act, 1906 was available against the order under challenge, which he did not pursue. However, to facilitate the revisional forum to be approached by the petitioner, the High Court directed that no coercive steps were to be taken and stayed the implementation of the order under challenge till 30th September, 2025.
5. Orders of similar nature have engaged our attention where the high courts, while declining to entertain writ petitions under Article 226 of the Constitution on the ground of availability of an efficacious alternative remedy to the writ petitioner(s) concerned have, nonetheless, granted relief [either by staying operation of the order(s) under challenge or directing maintenance of *status quo*] to be operative for a limited period to enable such petitioner(s) to seek appropriate relief from the alternative forum.

6. It is settled law that once the high court, upon application of mind, declines to entertain a writ petition in the exercise of its discretionary jurisdiction on the ground that an efficacious alternative remedy for grant of relief is available but such remedy has not been pursued by the petitioner, the proceedings do not survive and must draw to an end then and there; however, in such a circumstance when no final relief can effectively be granted on the petition, it is impermissible to pass an order in the nature of an interim relief [either by granting stay of operation of the order under challenge or by directing *status quo* to be maintained] till such time the aggrieved petitioner approaches the alternative forum. Such an order, as and when passed, would be in the teeth of a Constitution Bench decision of this Court in ***State of Orissa v. Madan Gopal Rungta***¹.

7. At the dawn of the Constitution, this is what the learned Chief Justice speaking for the bench in ***Madan Gopal Rungta*** (supra) had ruled:

13. ... the existence of the rights is the foundation of the exercise of jurisdiction of the Court under this article. The judgment of the Orissa High Court under appeal, however, shows that the Judges have decided nothing at all in respect of the rights of the parties. Indeed they have expressly stated that their observations should not in any way be considered as deciding any of the rights or contentions of the parties raised in the petitions. The whole judgment shows that because of the requirement of Section 80 of the Civil Procedure Code the present respondents could not file a suit against the Government for at least sixty days, the respondent's position should not in the interval be disturbed and accordingly the Court gave the directions in its order of 2-8-1951. If there was any doubt about the nature of the relief desired to be granted by the order of 2nd August the same Judges have made it perfectly clear by their order of 6th of August, wherein they have stated that except for these directions they were not prepared to make any other order on the petitions. The result therefore is that while the Judges declined to investigate and pronounce on the rights of the parties and expressly kept the determination thereof in abeyance in the suit proposed to be filed by the present respondents, they gave directions for interim relief till such suit was filed. It must be noted that with the passing of the order of 2-8-1951, containing directions in the nature of interim relief the petitions were completely disposed of and have not been kept pending for disposal. Those directions embody therefore the final order passed by the Court on these petitions. A preliminary objection was raised about the maintainability of the appeals on the ground that no final orders were passed on the petitions. That objection must fail in view of the fact that with these orders the petitions were disposed of finally and nothing further remained to be done in respect of the petitions. The fact that the operation of the order is limited to three months or a week after the filing of the intended suit does not prevent the order from being final.

14. On behalf of the appellant it was urged that the Court had no jurisdiction to pass such orders under Article 226 under the circumstances of the case. This is not a case where the Court before finally disposing of a petition under Article 226 gave directions in the nature of interim relief for the purpose of maintaining the status quo. The question which we have to determine is whether directions in the nature of interim relief *only* could be granted under Article 226, when the Court expressly stated that it refrained from determining the rights of the parties on which a writ of mandamus or directions of a like nature could be issued.

15. In our opinion, Article 226 cannot be used for the purpose of giving interim relief as the only and final relief on the application as the High Court has purported to do. The directions have been given here only to circumvent the provisions of Section 80 of the Civil Procedure Code, and in our opinion that is not within the scope of Article 226. An interim relief can be granted only in aid of and as ancillary to the main relief which may be available to the party on final determination of his rights in a suit for (sic, or) proceeding. If the Court was of opinion that there was no other convenient or adequate remedy open to the petitioners, it might have proceeded to investigate the case on its merits and come to a decision as to whether the petitioners succeeded in

¹ AIR 1952 SC 12

establishing that there was an infringement of any of their legal rights which entitled them to a writ of mandamus or any other directions of a like nature; and pending such determination it might have made a suitable interim order for maintaining the status quo ante. But when the Court declined to decide on the rights of the parties and expressly held that they should be investigated more properly in a civil suit, it could not, for the purpose of facilitating the institution of such suit, issue directions in the nature of temporary injunctions, under Article 226 of the Constitution. In our opinion, the language of Article 226 does not permit such an action. On that short ground the judgment of the Orissa High Court under appeal cannot be upheld.

(emphasis ours)

8. Four other Constitution Benches in ***Amarsarjit Singh v. State of Punjab***², ***State of Orissa v. Ram Chandra Dev***³, ***Cotton Corporation of India Ltd. v. United Industrial Bank Ltd.***⁴ and ***Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc.***⁵ have followed the dictum in ***Madan Gopal Rungta*** (supra) spelling out the contours within which interim relief can be granted.

9. We trust that the high courts will duly take notice of these binding precedents and hope that no case of a similar nature arises in future for our consideration.

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² AIR 1962 SC 1305

³ AIR 1964 SC 685

⁴ (1983) 4 SCC 625

⁵ (2012) 9 SCC 552