



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 10659 OF 2021

Vilas Gulab Wagh
VERSUS
Satyabhama Gorakh Shinde

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Mr. Amol Sawant, Advocate for the Petitioner.
Mrs. M. L. Sangit, AGP for Respondent – State.
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CORAM : ROHIT W. JOSHI, J.
DATE : 04 SEPTEMBER 2026

PER COURT :

1. The present petition is filed in order to challenge the order dated 22 March 2021 passed by the Tehsildar/Mamlatdar, Dhule Rural in Vahiwat Case No.7 of 2020 and the order dated 8 July 2021 passed by Sub-Divisional Officer, Dhule Region, in Revision Application No. RTS/Revision/30/2021.
2. Respondent No.1 has instituted the aforesaid case, *inter alia*, seeking directions for removal of obstruction over a road leading to his agricultural land. The present petitioner opposed the said application. However, upon considering the spot inspection report and other evidence, the application came to be allowed.
3. The present petitioner preferred revision a before the Sub-Divisional Officer, which also came to be dismissed.

4. The present petition is filed in order to assail the aforesaid orders. It is not in dispute that the impugned orders have already been implemented and the obstruction on the subject road is removed.

5. The contention of learned advocate for the petitioner is that in exercise of powers conferred under Section 5 of the Mamlatdars' Courts Act, 1906, a new road cannot be created in favour of the plaintiff. The contention is that the provision only enables the Mamlatdar to order removal of obstruction on an existing road. It is contended that in exercise of jurisdiction under Section 5, a new road is granted, and as such, the order is without jurisdiction.

6. I have perused the impugned order passed by the Mamlatdar. Perusal of the order indicates that directions are issued for removal of obstruction on the road. The contention raised that a new road is created in the absence of any jurisdiction under Section 5 of the Act, therefore, cannot be accepted.

7. The learned advocate for the petitioner also makes a submission that the plaint is not supported by an affidavit and, as such it is not in compliance of Section 7.

8. Perusal of Section 7 of the Act will indicate that the plaint under the Act is not required to be supported by an affidavit. The provisions indicate that in case the plaint is informal in nature, the Mamlatdar is

required to record the statement of verification of the plaintiff in order to ascertain the cause of action canvassed in the informal plaint. The plaint otherwise appears to be in order.

9. Having regard to the aforesaid, no case for interference is made out. The Writ Petition is dismissed with no order as to costs.

[ROHIT W. JOSHI, J.]