

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 10779 OF 2015

Kakasaheb s/o Chhaburao Rajguru
& others

.. PETITIONERS

VERSUS

The Sub-Divisional Officer
Pathardi
& others

.. RESPONDENTS

Mr. S.D. Kotkar, advocate for petitioners.
Mr. V.M. Kangne, AGP for the State.
Mr. D.A. Bide, advocate for respondent no.7.

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**CORAM : R.M. BORDE, J.
DATE : 19th JANUARY, 2016.**

PER COURT :

1. Application tendered to the Tahsildar being Road Case No. 14/2013 claiming access to the property has been turned down by order dated 02.06.2014 and, order passed by the Tahsildar has been upheld in appeal presented to the Sub-Divisional Officer. Petitioners also took recourse to presentation of suit claiming decree of injunction. The suit has been decreed and the defendants have been restrained from interfering in possession of plaintiffs. So also, they have been restrained from causing interference in the way available to petitioners from the boundary of gat no. 227 and 278. It is the contention of petitioners that decree passed by the trial Court is not likely to render any benefit to them and as such, petitioners, in the instant petition, are raising challenge to the order passed by the Tahsildar which has been confirmed by the appellate forum.

2. Since finality has been attached to the proceeding in view of decision of the Civil Court, the proceedings before the Tahsildar need not be revived. Even otherwise, the proceedings before the Tahsildar are final subject to the decision of the competent civil Court. If at all, petitioners are of the view that the decision rendered by the civil Court does not bring finality to the proceeding and does not redress the grievance of petitioners, it would be open for the petitioners to adopt remedies as may be available in law. No case is made out for causing interference in the matter. Writ petition stands rejected.

(R. M. BORDE)
JUDGE

dyb