

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.7476 OF 2016

01 Ravindra s/o Dagadu Patil,
age: 41 years, Occ: Agri.,

02 Bhalchandra Dagadu Patil,
age: 39 years, Occ: Agril.,

Both R/o At Post Bahulgaon,
Tq.Dharangaon, District Jalgaon.

Petitioners

Versus

01 Yuvraj Shankar Patil,
age: 68 years, Occ: Agril.,

02 Smt.Bhikubai Yuvraj Patil,
age: 63 years, Occ: Agril.,

03 Pandharinath Rajaram Patil,
age: 56 years, Occ: Agril.,

All R/o At Post Babhulgaon,
Tq.Dharangaon, District Jalgaon.

04 The State of Maharashtra,
through its S.D.O., Erandol,
Division Erandol, Dist.Jalgaon.

Respondents

Mr.V.P.Patil, advocate for the petitioners
Mr.U.S.Malte, advocate for Respondents No.1 to 3.
Mr.S.R.Yadav (Lonikar), A.G.P. for Respondent No.4.

CORAM : S.B.SHUKRE, J.

DATE : 16th February, 2017

ORAL JUDGMENT :

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 It is seen that there are concurrent findings of facts recorded by the authorities below. It is the contention of learned Counsel for petitioners that these are perverse findings. He invites my attention to the report of spot inspection dated 16.07.2015 to support the contention. It is stated in this report that no signs of use of disputed way were noticed at that time.

3 Mr.Malte, learned Counsel for Respondents No.1 to 3, points out from the order of the appellate Court that the contention of the respondents, that these signs have been deliberately obliterated by the petitioners, has been considered by the first appellate Court.

4 On perusal of the order of the first appellate Court dated 18.02.2016, I find that there is substance in the contention of the learned Counsel for respondents no.1 to 3. It is also seen that both the impugned orders are the result of consideration of evidence available on record, which was recorded during summary inquiry. The scope for interference is extremely limited as no perversity or error manifest on the record, has been committed by the first appellate Court. No interference is, therefore, called for in the impugned orders. The remedy to get settled the disputed questions of facts is always open to the petitioners and they may avail of the same in accordance with law, in which case, the observations made in this order, shall not come in their way.

S.B.SHUKRE
JUDGE

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