

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

WRIT PETITION NO. 9510 OF 2017

JANARDHAN VISHVANATH JAGTAP AND OTHERS
VERSUS
VALJNATH GANGARAM JAGTAP AND OTHERS

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Advocate for Petitioners : Shri Hande Avinash D.
AGP for Respondents 3 and 4 / State : Shri S.K.Tambe.
Advocate for Respondent 2 : Ms.Manjushri Shendage-Narwade.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 08th August, 2017

Per Court:

1 The Petitioners are aggrieved by the order dated 21.04.2016 passed by the Tahasildar-cum-Mamlatdar, Badnapur concluding that the Petitioners have created obstruction in the cart-way which, according to the revenue records, was in existence and was found during the spot inspection that took place on 11.02.2016 in the presence of the litigating sides. The Petitioners are also aggrieved by the order dated 06.07.2017 passed by the Additional Collector, Jalna by which the appeal of the Petitioners has been rejected.

2 The learned Advocate for the Petitioners has strenuously criticized the impugned orders. He contends that there was no cart-way and a new cart-way is sought to be prepared by the Respondents with the assistance of the Revenue Authorities. He further submits that if the cart-way is permitted, it is likely to cause irreparable hardship and manifest

inconvenience to the Petitioners.

3 The learned Advocate for Respondent No.2 and the learned AGP on behalf of Respondent Nos.3 and 4 have defended the impugned orders.

4 It cannot be ignored that concurrent findings have been delivered on the basis of the revenue records and on the spot inspection to which the litigating sides were parties. The litigating sides have put their signatures on the spot inspection report. So also, the Petitioners have preferred RCS No.19/2016 against the Respondents seeking perpetual injunction for preventing the use of the cart-way. The application Exhibit-5 seeking interim injunction under Order 39 Rule 1 of the Code of Civil Procedure has already been rejected by order dated 01.04.2016.

5 Considering the above and since the civil proceedings are pending before the Civil Court which would consider every grievance of the litigating sides, I do not find any reason to entertain this Writ Petition.

6 Needless to state, the decision of the Civil Court would have binding effect on the Revenue Authorities keeping in view the law laid down by this Court in the matter of Shrikant R. Sankanwar and others vs. Krishna Balu Naukudkar, 2003 (3) BCR 45.

7 This Writ Petition is, therefore, dismissed.