

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

**WRIT PETITION NO. 880 OF 2014
WITH CA/13042/2014 IN WP/880/2014**

**RANGNATH GULABSING PARDESHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**...
Advocate for Petitioner : S G Dodya For Petitioner
AGP for Respondents: Mr.S.G.Karlekar for R.1 to 5.
Adv.Mr.Sachin Deshmukh for R.10
Adv.Mr.R.N.Kolekar for R.6.**

**...
CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 26/07/2017

PER COURT :-

1] After hearing both sides, we do not see any reason to entertain the petition and that too interfering with some exercise allegedly carried out in terms of Section 143 of the Maharashtra Land Revenue Code 1966.

2] If that exercise is traceable to Section 143, a perusal of the same would indicate that the Tahsildar's order granting right of way is not final. That is subject to Appeal and Revision under the M.L.R.Code 1966. If one does not desire to institute such proceeding the substantive right to bring suit is kept intact by Sub-Section 4 of Section 143. This Court when it directs consideration of certain

applications seeking a right of way neither grants a right of way nor carves out any portion from anybody's land so as to allow passage over it. Therefore, the High Court does not create any right of way. The High Court only activates the authorities because they do not take any steps, but to keep the applications and files pending. In such circumstances this Court's order shall not in any manner adversely affect right, title and interest of the parties in the immovable property. Assertion to the same can be made subject matter of a civil suit and if so advised. It will proceed irrespective of any direction of the High Court and on its own merits so also in accordance with law. The Writ Petition is disposed of. Civil Application stands disposed of,

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

umg/