

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION (ST) NO. 19030 OF 2018****Dashrath Shantaram Jadhav & Ors.****..... Petitioners****VERSUS****Devidas Madhav Gosavi & Ors.****..... Respondents**

Mr.Sugandh Deshmukh for the Petitioners.

Mr.S.A.Sawant, i/b. Mr.Sachin Kadam for the Respondents.

CORAM : R.D. DHANUKA, J.**DATE : 11th JULY, 2018****P.C.**

By consent of parties, the impugned order passed by the learned Deputy Collector, Nashik in Kaksha-4/Vahivat/Revision.Appeal-1/2018 dated 19th June, 2018 and also the order passed by the learned Tahsildar, Nandgaon, District Nashik in Vahivat Case No.5 of 2017 dated 17th October,2017 are set aside. Vahivat Case No.5 of 2017 is restored to file before the learned Tahsildar.

2. Both the parties are permitted to produce additional evidence including the map which they propose to rely upon before the learned Tahsildar.

3. The learned Tahsildar shall also consider the case of the petitioners that the respondents have purchased the alternate road from the Gat No.138 which according to the petitioners is available as an access while deciding the said Vahivat Case No.5 of 2017.

4. The learned Tahsildar is directed to dispose of the said vahivat case expeditiously and not later than two months from the date of the first hearing.

5. Both the parties are directed to file their respective additional evidence, if any, within two weeks from today.

6. Learned Tahsildar shall decide the said vahivat case without being influenced by the observations made and the conclusion drawn in the impugned order dated 17th October, 2017 by the learned Tahsildar, Nandgaon, District Nashik as well as in the impugned order dated 19th June, 2018 passed by the learned Deputy Collector, Nashik in the appeal preferred by the petitioners on its own merits.

7. It is made clear that this court has not expressed any views on the merits of the matter.

8. The contentions of both the parties are kept open.

9. Both the parties are directed to appear before the learned Tahsildar, Nandgaon, District Nashik on 30th July, 2018 at 11.00 a.m.

10. Writ petition is disposed of in the aforesaid terms. No order as to costs.

11. The parties as well as the learned Tahsildar to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]