

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

8 WRIT PETITION NO.3905 OF 2019

PUNJAHARI BABURAO SANGLE
VERSUS
THE DEPUTY COLLECTOR AND OTHERS

...
Advocate for Petitioner : Shri Tarde Vivek V.
AGP for Respondents : Shri Yadav-Lonikar S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 01, 2019
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PER COURT :-

1. The petitioner is aggrieved by the orders dated 10.8.2018 passed by the Tahsildar under Section 5(2) of the Mamalatdar Court's Act, 1906 and the concurring order of the revisional authority dated 13.12.2018, vide which, the revision application of the petitioner under Section 23(2) has been rejected.

2. Learned counsel for the petitioner has strenuously criticized the impugned orders. Contention is that the panchanama has been drawn on the basis of a make believe picture, created by the original applicant. The path mentioned in the panchanama dated 13.1.2017 and 3.12.2017 does not exist. The Mamalatdar and the revisional authority have not applied their mind to the case. My attention is drawn to the 14 grounds formulated by the petitioner in the memo of the petition.

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3. The learned AGP submits that the impugned orders would clearly indicate that the concerned authorities have noticed the obstacles created by the petitioner. A JCB operator has made a statement before the authorities, which indicates that the first attempt to disturb the cart way was made by the petitioner on 22.5.2016 at 9.00 p.m., when he was paid to operate the JCB to dig the path. The nala bunding was also disturbed.

4. Upon considering the above factors and upon going through the impugned orders, which are reasoned and based on the spot inspection and the panchanama, I do not find that the impugned orders could be termed as being perverse or erroneous.

5. This petition, being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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