

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5145 OF 2019
(Narsinh Jaywant Deshmukh and others Vs. The Additional Collector
and others)

Mr.A.D.Aghav, Advocate for the petitioners.
Mr.S.R.Yadav, AGP for the respondent/State.
Mr.P.R.Nangare, Advocate for respondent No.3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/07/2019

PER COURT :

1. I have heard the learned Advocates for the respective sides, who are real brothers. They concede that the path at issue is available and is unobstructed and can suitably and comfortably be used by all of them for resorting to their agricultural day-to-day activities.

2. The learned Advocate for the petitioners submits that the petitioners have no intention of disturbing respondent No.3 and have never disturbed him even earlier and would cause him no disturbance in future. The learned Advocate for respondent No.3 reciprocates by saying that he has never been a cause of disturbance and he has no reason to disturb the petitioners.

3. The learned AGP submits that the proceedings arose before the Mamlatdar under the Mamlatdar's Courts Act, 1906 on account of an averment by respondent No.3/original applicant that the petitioners are disturbing him.

4. Petitioner Nos.1 and 2 are the real brothers of respondent No.3. These 3 brothers are in their late 60's and mid 70's. Petitioner Nos. 3 and 4 are the sons of petitioner No.2 and petitioner Nos. 5 and 6 are the sons of petitioner No.1.

5. In view of the above, this petition is disposed off in the light of the statements made by the litigating parties. The impugned order of the Additional Collector dated 15/12/2017 is only a prohibitory order, which aims at ensuring that these close relatives do not come face to face on an issue of obstruction. The said order binds all the parties equally.

(Ravindra V.Ghuge, J.)