

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

WRIT PETITION NO. 9397 OF 2019

Samadhan Khandu Sonawane
and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Shri Atmaram J. Patil, Advocate for the Petitioner.

Mrs. Geeta L. Deshpande, A.G.P. for Respondent Nos. 1 and 2.

Shri V. D. Gunale, Advocate for the Respondent No. 3.

Shri Sushant V. Dixit, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 08TH NOVEMBER, 2019.

FINAL ORDER :

. We have heard, the learned counsel for petitioners and the learned counsel for respondents.

2. The learned counsel for petitioners submits that, the personal right of the petitioners over the land and way is violated. The petitioners are using the said way to go to mosque and burial ground/kabrastan. The petitioners did not have any other way to go to the mosque. The personal right over the land and way is violated.

3. According to respondents, the petitioners have no concern with the property of the respondents. The petitioners are not

owners of the property.

4. If the personal right over the land or way of the petitioners is violated or there is obstruction to the right of way, the petitioners have remedy under the provisions of the Mamalatdar Courts Act. The petitioners are at liberty to avail the same. If the petitioners want new way, remedy lies U/Sec. 143 of the Maharashtra Lnad Revenue Code.

5. In view of that, the writ petition is disposed of with liberty to petitioners to avail remedy, if their personal right of land/way is violated as discussed above. No costs.

[AVINASH G. GHAROTE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov. 19