

**FARAD CONTINUATION SHEET No.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 3700/2017**

(GOVARDHAN BALIRAMSA GULHANE **VERSUS** COLLECTOR, AMRAVATI & OTHERS)

Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions  
 and Registrar's orders

Court's or Judge's orders

Ms Nishigandha Masurkar, counsel for petitioner.  
 Shri A.M. Kadukar, A.G.P. for R-1 to 3.  
 Shri A.A. Dhawas, counsel for R-4 & 5.

**CORAM : A.S. CHANDURKAR, J.**

**DATE : OCTOBER 16, 2019.**

The challenge raised in the present writ petition is to the orders passed by the Tahsildar which have been confirmed by the Sub-Divisional Officer in proceedings under the Mamlatdar Courts Act, 1906. By those orders, the respondent nos.4 and 5 who claim right to Field Survey No.45 and 48 have been held entitled to have a right of way to approach their field and the petitioner who is the owner of Gat No.54 has been directed to remove the obstruction as caused.

It is seen that on the basis of spot inspection by the Circle Officer and the spot inspection report prepared by him, the way in question for approaching Gat Nos.45 and 48 is from the boundary of Gat No.54. As it was noticed that the said way was blocked by the petitioner, he was directed to clear the same. The Tahsildar after considering the evidence led by both the parties recorded a finding that such obstruction was caused by the petitioner and hence he was directed to remove the same. The Sub-Divisional Officer in exercise of revisional jurisdiction has confirmed those findings. It is thus seen that the conclusions recorded are based on the material evidence available on record.

As regards the aspect of jurisdiction exercised by the Sub-Divisional Officer, it is seen that he was duly authorized to exercise the same under Section 23(2) of the said Act. It is thus found that the impugned orders have been passed after considering the entire material on record. There is no jurisdictional error committed. Hence the challenge to the impugned orders cannot be accepted.

The Writ Petition is therefore dismissed. No costs.

**JUDGE**

APTE