

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.380 OF 2020

Gangadhar s/o Govindrao Shinde & others

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr.V.P.Golewar, advocate for the petitioners.

Mr.N.T.Bhagat, AGP for Respondents No.1 to 3.

CORAM : ROHIT B.DEO, J.

DATE : 08/01/2020

PER COURT :

1 By the order impugned, the Sub Divisional Officer has refused to stay the direction issued by the Mamlatdar, the effect of which is that, Respondents No.4 and 5 herein are permitted to use the disputed road and the petitioners are restrained from obstructing them.

2 The Revision preferred by the petitioners under Section 23 of the Mamlatdar Courts Act, 1906, is pending and what is impugned herein is an interim order in the Revision which rejects the prayer for stay.

3 Although the learned Counsel for the petitioner strenuously submitted that the order of Mamlatdar is legally unsustainable, every contention on merits can be agitated in Revision and the Revisional Authority would, undoubtedly, decide the same at an appropriate stage. I do not see any error in the interim order as would warrant interference in writ jurisdiction.

4 The Revisional Authority is, however, directed to decide the Revision, as expeditiously as possible and in any event, within three months.

5 Subject to the aforesaid directions, petition is dismissed.

(ROHIT B.DEO)
JUDGE

adb