

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL WRIT PETITION NO.783 OF 2016

HANUMAN VITTHAL MALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. S. S. Chapalgaonkar.

APP for Respondent/State: Mr. R. D. Sanap.

Advocate for Respondent Nos.3, 9 & 11: Mr. S. T. Shelke.

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CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 20th October, 2020.

ORDER: (Per T. V. Nalawade, J.)

. The petition is filed for giving direction to Respondent, police to register crime against Respondent Nos.3 to 25 and take action against them to prevent them from creating obstructions on the road.

2 The submissions made and the record show that there is some dispute between some persons like Kisan Wabale, Dattatrya Wabale and others on one side and the persons like Hanuman Mali and Gorakh Mali and others on other side. It is the contention of the side of Petitioner that for going to old Gaothan, there was one old road in existence starting from Gat No.12 and proceeding towards

Lasalgaon. According to them, the other road was starting from old Gaothan and it was passing by the side of Gat No.145 and it was meeting Shirdi-Lasalgaon road after passing through Gat No.142. It is their contention that adjacent land holders, farmers have created obstruction on these roads and the roads are closed and due to that the persons from the side of Petitioner are not able to use these two roads. Allegations are also made that they are of Bhill community and other side does not belong to scheduled caste or scheduled tribe and they give abuses by taking the caste name and they are giving threats of life. They had requested to take action against the persons of other side in the representation given to police on 21st March, 2016.

3 The submissions made by the learned APP and the record show that after receiving the representation of the side of Petitioner, police had taken initiative and they had tried to settle the dispute between the two communities. Due to the initiative taken by the police, the dispute was settled, which was gathering caste colour. The present Petitioner gave statement to police that there was no tension due to caste difference and there was dispute only in respect of right to use the road. They had agreed to wait till the measurements were made by the revenue authority of the road and lands and such steps were to be taken by the local body, Village Panchayat. Similar statement was given by one Rajendra Mali.

4 The aforesaid circumstances show that there is a dispute, which can be considered under the Mamlatdars' Courts Act. It is open to the Petitioner to go to Civil Court also for getting appropriate relief. By using caste card, persons like Petitioner cannot get the relief like removal of so-called obstruction allegedly created on the roads. This is nothing but pressure tactic. This Court holds that no such relief can be given to the Petitioner. In the result, the petition stands dismissed.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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