

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10356 OF 2016

Shri. Ashok Digambar Kurde & Anr. ..Petitioners
Vs.
Dr. Subhash Babasaheb Patil & Ors. ..Respondents

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Mr. A. D. Sale, Advocate for the Petitioners.
Mr. S. T. Bhosale, Advocate for the Respondent Nos.1 to 14.
Mr. S. D. Rayrikar, AGP for the Respondent No.20 /State.

**CORAM : C.V. BHADANG, J.
DATE : 27th JANUARY, 2020**

P.C.

. The challenge in this petition is to the order dated 31/8/2015 passed by the learned Mamlatdar, under Section 5 of the Mamlatdar Courts Act ('Act' for short), directing the petitioners (original respondent Nos.1 and 2) not to interfere in the road / access of the petitioner which is passing by the boundary of Gat No.203 and 205/1, for approaching land Gat Nos.190, 191, 192, 193 and 194 of the respondents. That order has been confirmed by the learned Sub Divisional Officer (SDO) on 20/4/2016 in Appeal No.38/2015.

2. It is submitted on behalf of the petitioners that in the earlier round of litigation existing of the road by the boundary of Gat No.205 was conceded and the impugned order directing the user of the road by the boundary of land Gat No.205/1 is illegal. Secondly, it is contended that the said road is passing through middle of the

land Gat No.205/1. Except these, there are no other contentions raised.

3. Learned counsel for the respondent Nos.1 to 14 has submitted that it may be on account of the subsequent sub division that the road is found by the boundary of land Gat No.205. It is submitted that it is nowhere the case made out that said road is passing through the middle of land Gat No.205/1.

4. I have considered the submissions made and I have gone through the impugned order passed by the authorities below and I do not find that any case for interference is made out.

5. As noticed earlier, it is not in dispute that there is existing road by the boundary of Gat No.205 of which the petitioner claims to be the owner. There is no map produced on record to show as to how sub-division of the gat number is effected and about exact location of Gat No.205/1. It also does not appear from the impugned order that the road has been granted from the middle of Gat No.205/1. The road as granted by the Mamlatdar by the impugned order is by the boundary of Gat No.205/1 and Gat No.203 i.e. the road which is stated to be running North-South. Thus, none of the contentions raised on behalf of the petitioner can be accepted.

6. The petition is without any merit and is accordingly dismissed with no order as to costs.

C.V. BHADANG, J.