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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.246 OF 2018

Jagannath Asaram Ghorpade & Another

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. D. R. Markad, Advocate for the petitioners

Mr. P. G. Borade, AGP for respondent - State

Mr. R. S. Kasar, Advocate for respondent No.5

Mr. R. L. Bhusare Patil, Advocate for respondents No. 4, 6 and 7

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st DECEMBER, 2021

ORDER :

1. Heard learned advocates for the parties.
2. This petition takes exception to the orders dated 1st December, 2016 passed by Tahsildar, Pathardi, District – Ahmednagar in Wahivat Case No.13 of 2016, thereby allowing the application filed by respondents No. 4 to 7 seeking right of way, by directing the petitioners to give alternate way to the respondents from their agricultural land, without disturbing tank/ farm pond built in the agricultural land of the petitioners and dated 17th October, 2017 passed by Sub Divisional Officer, Pathardi in Revision No. 142 of 2016, thereby confirming the

order passed by the Tahsildar.

3. The learned advocate for the petitioners submits that taking into consideration the prayer made by the respondents in the application, the Tahsildar has granted right of way from the middle of petitioners' agricultural land. He, therefore, submits that the impugned order is liable to be set aside.

4. The argument of the learned advocate for the petitioners is wholly misconceived. By the impugned order the Tahsildar has only directed the petitioners to give alternate way to the respondents, without disturbing the farm pond built in the agricultural land of the petitioners.

5. In that view of the matter, it is not possible to accept the submission of the petitioners. The impugned order is passed after taking into consideration the spot Panchanama, spot visit and after verifying actual situation on the spot. No fault is found with the well reasoned orders passed by the Tahsildar and the Sub Divisional Officer. The writ petition being devoid of any substance is dismissed with no order as to costs.

[NITIN B. SURYAWANSHI]
JUDGE