

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 778/2020

Ashok Govindrao Chavatkar thr L.Rs...Versus...Kamlesh Pranal Shah and ors

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

Court's or Judge's orders

Mrs. M.M.Ghatode, Advocate for petitioners
Mr. H.R.Gadhia, Advocate for Respondent Nos.1 and 2
Mr. A.Ashirgade, Advocate for Respondent Nos. 3 to 6

CORAM : AVINASH G. GHAROTE, J.
DATE : 08/10/2021

The proceedings before the learned Tahsildar under Section 143 of Maharashtra Land Revenue Code culminated in a settlement arrived at between the parties, which came to be recorded by the learned Tahsildar in his order dated 4.5.2017, wherein the road which is agreed to be used by the petitioners is delineated in the map, which forms the part and parcel of the order of Tahsildar. The order of the Tahsildar, further records that till such time, the repairs to the road, agreed to be used as per the settlement, is done, the petitioners shall be permitted to use the passage through land of Gat No. 171 for access to their field, which would obviously come to an end once the road agreed to be used under the settlement is repaired.

Mr. Gadhia learned counsel for Respondent

Nos.1 and 2 , on instructions, submits that Respondent Nos. 1 and 2, who are the owners of Survey No. 171, agree to stand by the statement that passage through the land of Survey No. 171 shall be permitted to be used by the petitioners, till such time the road agreed is repaired. Mr. Gadhia. Learned counsel, on instructions, further states that the agreed road would be repaired in the next ten days, whereupon the petitioners could start using the same.

In case the agreed road is repaired and is usable, Respondent Nos.1 and 2, shall give a written intimation to the petitioners in this regard, as well as to the learned Talathi of the village. The Talathi of the village shall inspect the road and certify its usability, and supply a copy of such certificate to the petitioners and the respondents. From the date of receipt of such certificate of the Talathi regarding the usability of the agreed road, the petitioners would naturally be required to use the agreed road under the settlement and shall not be permitted to use the passage through the land of Survey No. 171.

It is made clear that any obstruction to the repairs of the road shall not be caused by any party to the petition, whosoever repairs the road. In view of the above statements by the respective parties to the petition, the petition is disposed of. No costs.

rvjalit

JUDGE