

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6079 OF 2022

**GANESH BABANRAO SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Petitioner : Ms.Seema T. Pawar h/f Shri
Gaikwad Pramod S
AGP for the Respondents/State : Shri P.S. Patil
...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 10th October, 2022

Per Court :-

1. The petitioner is aggrieved by the conduct of respondent No.12 for having illegally constructed a hotel and blocked the path of the petitioner. A personal cause of action of two individuals is before us. The petitioner has preferred an application under Section 5 of the Mamlatdars' Courts Act, 1906 and the same is pending before respondent No.10.

2. The learned AGP points out that the application, as expected under Section 5, is not well drafted.

3. Considering the above, this Writ Petition is disposed off.

4. The disputed issues between two private individuals and more so when the proceeding is pending, cannot be entertained by this Court. However, taking into account the pending application dated 13.07.2020 preferred by the petitioner before respondent No.10/Tahasildar, we direct the Tahasildar to commence the hearing on the said application. In the event, the application is not well drafted, the Tahasildar would give an opportunity to the petitioner to mention the details and names of the respondents in the said application. Thereafter, after issuing notices, respondent No.10 would consider the application on its own merits in the light of the provisions of the Mamlatdars' Courts Act, 1906.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)