

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

**WRIT PETITION NO.5399 OF 2022
WITH
CA/7967/2022 IN WP/5399/2022**

**VITTHAL NAGOJI BHUTTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND OTHERS**

...
Advocate for Petitioners : Mr. Shahaji B. Ghatol Patil
AGP for Respondent Nos.1 to 3 : Mr. S. B. Pulkundwar
Advocate for Respondent No.4 : Mr. Suraj V. Gundre
...

CORAM : MANGESH S. PATIL, J.

DATED : 06 JULY 2022

PER COURT :

Heard the learned advocates of both sides and the learned AGP.

2. The petitioners who are the defendants in a proceeding before the Mamlatdar under section 5(2) of the Mamlatdars' Courts Act, 1906 initiated by the respondent no.4 alone are aggrieved by the refusal of the learned Sub Divisional Officer before whom they have preferred revision under section 23(2) of the Act, to stay operation of the order passed by the Mamlatdar for removal of obstruction.

3. Learned advocate for respondent no.4 has filed affidavit-in-reply and even contends that the disputed way has already been cleared.

4. Admittedly, the parties are before the revisional authority and the revision is still to be decided finally. At the joint request of the parties they are relegated before the learned Sub Divisional Officer who shall decide the revision finally expeditiously.

5. The parties shall appear before him on 18-07-2022. The parties shall maintain the situation at the spot as is obtaining today, till they appear before the learned Sub Divisional Officer.

6. Writ petition is disposed of.

7. The civil application which is filed for joining in the array of petitioners is allowed and disposed of and the pending civil applications, if any, are disposed of.

(MANGESH S. PATIL, J.)

Tandale/-