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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4197 OF 2022

Subhash Babasaheb Narode and Others

PETITIONERS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

Mr. Majit S. Shaikh, Advocate for the petitioners

Mr. P. N. Kutti, AGP for respondent - State

Mr. U.R.Awate, for Talekar & Associates, for respondents No.3& 9

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th APRIL, 2022

ORDER :

1. The petitioners, by this petition, challenge the decision of Tahsildar, Kopargaon in Rasta Case No. 2 of 2020, which is confirmed by the Sub Divisional Officer in Revision Application No. 39 of 2021.
2. Present petition is filed by the petitioners apprehending that by taking advantage of the impugned order, road of 12 feet width would be used by the respondents which would cause serious prejudice to the interest of the petitioners.
3. Learned advocate for respondents No. 3 and 9 has filed affidavit in reply.

4. Both the learned advocates fairly point out to this Court that the order passed by the Mamatdar is implemented and the respondents are given 8 feet wide road in terms of the order of the Mamlatdar.

5. Learned advocate for respondents No. 3 and 9 further submits that the said road is a customary road, which is in existence since 1970 and the same is formed on the basis of the compromise between the forefathers of the petitioners and the respondents.

6. Since only 8 feet wide customary road is granted to the respondents, no prejudice is likely to be caused to the petitioners.

7. In that view of the matter, I do not find any merit in the present writ petition. Writ petition is, therefore, dismissed. No costs.

[NITIN B. SURYAWANSHI]
JUDGE