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

18 WRIT PETITION NO.11522 OF 2021

**ASHOK LAXMAN GOSAWI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....

Mr R. B. Dhakane, Advocate for petitioner;
Ms R. P. Gaur, A.G.P. for respondent Nos.1 to 6
Mr R. V. Gore, Advocate for respondent Nos.7 & 8

**CORAM : RAVINDRA V. GHUGE
AND
SANDIPKUMAR C. MORE, JJ.
DATE : 6th June, 2022**

PER COURT:

1. Affidavit-in-reply filed by respondent Nos.7 and 8, is taken on record.
2. We have briefly heard the submissions of the learned Advocates for the respective sides and the learned A.G.P.
3. The grievance of the petitioner is that a proceeding initiated by him under Section 5(2) of the Mamlatdars' Courts Act, 1906 (hereinafter referred to as 'the 1906 Act'), is pending before the Mamlatdar. A notice is issued on 28/06/2021 and since then, the matter is pending. The issue raised by the petitioner is as regards the encroachment purportedly made by respondent Nos.7 and 8, due to which, the *Nala* is likely to get blocked in the rainy season

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and the water would accumulate, resulting in affecting the agricultural activities of the petitioner. The case pertains to Gut No.135/3, situated at village Wari.

4. In view of the above, the learned Advocate for the petitioner submits on instructions that, the Mamlatdar (the Tahsildar, Kopargaon, respondent No.4 herein) should decide the pending proceedings initiated by the petitioner under Section 5(2) of the 1906 Act, expeditiously.

5. In view of the above, this petition is disposed off with the direction to respondent No.4, to decide the pending proceedings Case No. 17/2021, on it's own merits, in the light of the Mamlatdars' Courts Act, 1906, as expeditiously as possible and in any case, on or before 30/06/2022, considering the onset of the rainy season. Since all the parties before respondent No.4 in the said proceedings, are before us, they are put to notice that they shall appear before respondent No.4 on 13/06/2022 at 2.00 p.m. They are at liberty to submit their written notes of submissions as well as address respondent No.4 on the merits of the case.

(SANDIPKUMAR C. MORE, J.) (RAVINDRA V. GHUGE, J.)
sjk