

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11015 OF 2017

Shri. Ghansham Pandurang Wadavkar ...Petitioner

Versus

The State of Maharashtra & Others ...Respondents

Mr. A.V. Indrale Patil, Advocate for the petitioner.

Mr. S.N. Kendre, AGP for State.

Mr. T.M. Tandale, Advocate for respondent No. 6.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th AUGUST, 2022

ORDER :

1. The petitioner is aggrieved by the order dated 08.07.2011, passed by the Tahsildar in a proceeding purported to be filed under section 5(2) of the Mamlatdars' Court Act 1906, which is confirmed by the Additional Collector, on 09.07.2016.

2. Heard the learned advocate for the petitioner, learned advocate for the respondents and the learned Assistant Government Pleader.

3. The learned advocate for the petitioner in support of writ petition relied on *Vishnu Sukhdev Ghanvat Vs. The Collector,*

Ahmednagar [(2017) 1 Mh.L.J. 811], wherein this Court has observed that, *provisions of section 19 and 5(3) of the Mamlatdar's Court Act, show that suit needs to be brought within six months from the date of cause of action and said provision is mandatory in nature.*

4. It is not in dispute that pursuant to the order passed on 08.07.2011, encroachments were removed and road repair work was undertaken and same is completed on 29.06.2017. In view of implementation of order impugned in the present petition nothing survives in the present petition.

5. In the peculiar facts of the present case and since this Court is of the view that in view of implementation of the order passed by the Mamlatdar and as the road repair work is already completed in the year 2017, the challenge raised in the present petition does not survive. The writ petition is therefore disposed of, with liberty to the petitioner to avail appropriate legal remedy for ventilating his grievance.

[NITIN B. SURYAWANSHI, J.]