

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

929 WRIT PETITION NO.10743 OF 2022

**VISHNU SHESHRAO PATHADE AND ANOTHER
VERSUS
THE SUB DIVISIONAL OFFICER AURANGABAD AND OTHERS**

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Advocate for Petitioners : Mr. Kachru A. Ingle
AGP for Respondent – State : Mr. G.O. Wattamwar
Advocate for Respondent Nos.3 to 5 : Mr. M.S. Karad

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CORAM : SANDEEP V. MARNE, J.

DATE : 14-10-2022

PER COURT :

1. The present petition is filed challenging the orders passed by the Tahsildar on 26.08.2022 and by the Sub Divisional Officer on 06.10.2022. The Tahsildar has allowed the application of respondent nos.3 to 5 directing the petitioner to provide access to respondent nos.3 to 5 through the petitioner's Gut No.15.

2. I have perused the panchanama conducted by the Circle Officer on 19.04.2021 and his letter dated 22.04.2021. The Circle Officer has *inter alia* observed that there is an alternate road for the respondent nos.3 to 5 to access their land alongside river on the boundary of petitioner's land. It also appears that during the course of hearing before the Tahsildar, one of the petitioners had shown willingness to provide access to respondent nos.3 to 5 on the boundary alongside river. Thus, there appears to be no dispute to the

position that access is required to be given to respondent nos.3 to 5. Only question remains is the exact location of such access. While order of Tahsildar can be interpreted to mean that such access has to be given from the land bearing Gut No.15, the petitioners complain that grant of such access would come in the way of his cultivation of the land.

3. Considering the panchanama and letter of the Circle Officer as well as roznama dated 23.05.2022 before the Tahsildar, I am of the view that the order passed by the Tahsildar is required to be modified to the extent that the location of access to be given to respondent nos.3 to 5 would be on the river side boundary adjoining Gut No.15.

4. In view of the above, the following order is passed.

ORDER

(i) The order passed by the Tahsildar dated 26.08.2022 is modified to the extent that the access to respondent nos.3 to 5 would be granted on river side boundary of Gut no.15.

5. With the above direction, the writ petition is partly allowed and disposed of. No costs.

(SANDEEP V. MARNE, J.)