

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

908 WRIT PETITION NO.11209 OF 2022

**VIKAS BABURAO JADHAV AND ANOTHER
VERSUS
THE SUB DIVISIONAL OFFICER AND OTHERS**

...
Advocate for Petitioners : Mr. Umakant U. Wagh
AGP for Respondent – State : Mr. G.L. Deshpande
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CORAM : SANDEEP V. MARNE, J.

DATE : 15-11-2022

PER COURT :

. By this petition, the petitioners have challenged the order dated 05.09.2022 passed by the Sub Divisional Officer, Pathardi thereby setting aside the order passed by the Tahsildar on 29.09.2020 and remanding the proceedings to the Tahsildar. The Tahsildar had directed respondent no.3 to remove the obstruction and to make available the road leading to petitioners' land bearing Gut No.164.

2. After hearing the learned counsel for the petitioners and after perusal of the panchanama and the rough sketch produced at page no.27 of the paper book, I am unable to reach to any definite conclusion about the exact location of the gate which is alleged to have been erected by respondent no.3 so as to block petitioners'

access to their land bearing Gut No.164. The panchanama, in my opinion, does not depict accurate position at the site so as to come to any definite conclusion. The Sub Divisional Officer has therefore rightly remanded the proceedings to the Tahsildar for conduct of fresh site visit and panchanama. In my opinion, the Sub Divisional Officer has not committed any error in passing the impugned order.

3. The Writ petition being devoid of merits is liable to be dismissed and is accordingly dismissed without any orders as to costs.

4. Needless to state that the Tahsildar Pathardi shall conduct a site visit and decide the proceedings before it in expeditious manner.

(SANDEEP V. MARNE, J.)

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