

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 1140 OF 2020

Ashok Khashaba Sawant & Anr
V/S

....PETITIONERS

Ankush Krushna Shelar & Ors

....RESPONDENTS

Mr. Rushikesh C. Barge for the Petitioners

CORAM : NITIN W. SAMBRE, J.

DATED : 11th AUGUST, 2022

P.C.:

1. Heard.
2. The order impugned is passed by the sub-divisional officer on 11/01/2018 thereby confirming the order passed by the Tahasildar dated 24/02/2016 in which the prayer of the petitioners moved under section 5 of the Mamlatdar Court Act (for short "the Act") is rejected.
3. As such the petitioners questioned both the aforesaid orders.
4. The submissions are the aforesaid orders are passed in second round of litigation as in the earlier round of litigation the prayer of the petitioners were allowed by Mamlatdar however, the sub-divisional officer remanded the matter back and as such in the second round of litigation, prayer of the petitioners is rejected by

recording incorrect findings of fact.

5. Counsel for the petitioners would urge that both the authorities have committed an error by recording wrong finding of facts.

6. To substantiate his claim, he has invited my attention to the order of the Mamlatdar passed in first round of litigation on 31/10/2013.

7. I have appreciated the said submissions.

8. The fact remains that both the authorities have recorded concurrent findings of fact against the petitioners whereby the findings are recorded that there exist alternate road to the petitioners.

9. In the aforesaid background, with regards to the concurrent findings of the fact, in my opinion no case for interference is made out. Petition as such fails, stands dismissed.

10. However, this does not preclude the petitioners from taking recourse to civil proceedings as the proceedings before the Mamlatdar are subject to outcome of the civil proceedings.

(NITIN W. SAMBRE, J.)