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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1704 OF 2022**

SAU. KANTABAI SOPAN BHATUDE & ORSPetitioners

V/s

BANSILAL RUJHAHI DEVHADRAY (D/H)
1A SUMAN BANSILAL DEVHADRAY AND ORSRespondents

Mr. Kamplesh P. Mali for the Petitioners.

Mrs. Vaishali Nimbalkar, AGP for Respondent Nos. 19 and 20/State.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 22, 2022

P.C.:-

1] Contentions of Mr. Mali, learned Counsel for the Petitioners are, there exists a parallel road of 10 feet width to enter into the land of the Respondents/Defendants which passes parallel to Gat Nos. 59, 61, 62, 64 and 63. He would further claim that the authorities below while dealing with prayer of the Respondents/Defendants under Section 5 of the Mamlatdars' Courts Act has overlooked the aforesaid factual matrix. He would claim that as a consequence of rejection of prayer for injunction and the orders of revenue authorities under Section 5 of the Mamlatdars' Courts Act, Respondents/Defendants are trying to dig out a new road, thereby damaging standing crops of the Petitioners.

2] I have appreciated the aforesaid contentions in the light of the findings recorded in the impugned order, so also order of the

Mamlatdar in Vahivat Case No.38 of 2015 decided on 31/07/2019 confirmed in Revision under Section 23 sub-section (2) of the Mamlatdars' Courts Act. Based on the findings recorded therein so also the order impugned and other documentary evidence, contention of Mr. Mali about existence of parallel road of 10 feet width cannot be termed to be established. Rather, findings recorded depict that there exist already a road which was sought to be encroached upon by the Petitioners, resulting into passing of the orders by revenue authorities.

3] In the wake of above, in my opinion, against the concurrent findings, no case for interference is made out. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)