

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 838 OF 2019

Daulat S/o Maroti Kadate

-- Petitioner

Vs.

Sub Divisional Officer, Gondpipri and others

-- Respondents

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.R. Vyas, Advocate & Mr. Sumedh Kadam, Advocate for
Petitioner
Mrs. S.S. Jachak, AGP for Respondent Nos.1 & 2

CORAM : MANISH PITALE, J.

DATE : 19th JULY, 2022

By this writ petition, the petitioner has challenged orders passed by the Tahsildar (Mamlatdar) and Sub-Divisional Officer under the provisions of the Mamlatdar Courts Act, 1906, whereby an application filed under Section 5 of the aforesaid Act by respondent Nos.3 to 8 was allowed and the petitioner was directed to remove obstruction in an access way that was found to be available to the said respondents.

2. Only contention raised on behalf of the petitioner was that appropriate opportunity was not granted before the Tahsildar and that there was violation of principles of natural

justice. On this basis, it was submitted that the impugned orders deserved to be interfered with.

3. This Court has perused the impugned order passed by the Tahsildar dated 27/07/2018. It reveals that spot inspection was conducted, wherein statements of villagers were recorded, who stated that the existing access way claimed by the private respondents was existed for at least 40 years and that the petitioner had indeed created an obstruction. It was also recorded that the petitioner was present during the spot inspection, but, he refused to sign on the spot panchanama. It is thereafter recorded that the contentions of the petitioner as well as the said private respondents were considered and thereafter on the basis of the material on record, it was found that the application filed by the said respondents deserved to be granted.

4. The Sub-Divisional Officer also perused the material on record and agreed with the findings rendered by the Tahsildar.

5. This Court is satisfied with the procedure adopted by the Tahsildar while passing the impugned order. There is nothing to show that the principles of natural justice were not followed or findings rendered by the Tahsildar could be said to be perverse. Hence, no interference is warranted in the present writ petition.

6. Hence, the writ petition is dismissed.

JUDGE