

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

**WRIT PETITION NO. 5038 OF 2018**

Abhishek s/o Ramchandra Mundada vs. The Deputy Collector (Revenue)  
Washim and others

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. C. R. Sharma, Advocate for petitioner.  
Mr. K. L. Dharmadhikari, AGP for respondent Nos.1 to 3.  
Mr. N.M.Kolhe, Advocate for respondent No.4(appointed)

**CORAM : MANISH PITALE J.**

**DATE : 17/06/2022**

By this petition, the petitioner has challenged concurrent orders passed by the Mamlatdar and Deputy Collector under the provisions of the Mamlatdars' Courts Act, 1906. It is contended that both the orders are without any reason and that the access way claimed by the private respondents ought not to have been granted.

2. It is an admitted position that the petitioner filed a Civil suit for injunction, seeking a restraintment order against the private respondent herein from using the very same way. The suit has been dismissed and the petitioner has filed appeal

against the said judgment and decree. Section 22 of the aforesaid Act makes it very clear that orders passed by the authorities below under the provisions of the said Act are not conclusive and that the parties can approach competent Civil Court for relief.

3. The petitioner has already approached the competent Civil Court and since now the matter is pending before the Appellate Court, this Court is of the opinion that the present writ petition does not need to be considered on merits.

4. Hence, the writ petition is disposed of, leaving it open to the petitioner to raise all contentions available in the pending appeal.

**JUDGE**