

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

**WRIT PETITION NO.1584 OF 2019**

Zahoor Mohd. s/o Shaikh Fakir

Vs.

Sub-Divisional Officer, Balapur, Dist. Akola and others

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

Court's or Judge's orders

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Mr. A.P. Bhuihar, Advocate h/f Mr. A. M. Tirukh, Advocate for petitioner.

Mr. N. R. Rode, AGP for respondent nos.1 and 2.

Mr. Dhiraj Ailani, Advocate h/f Mr. U. J. Deshpande, Advocate for respondent no.3.

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 02/08/2022**

1. The respondent nos.4 and 5 have already suffered an order by the learned Mamlatdar under Section 5 of the Mamlatdars' Courts Act directing them to remove the obstruction created in the approach road passing through their land, in favour of the respondent no.3. That order was put to execution, which has been allowed. In a revision challenging the same, the petitioner had filed an application for impleadment on the ground that the respondent nos.4 and 5 had gifted the land concerned to him. Though the petitioner has been permitted to be added as a party therein the revision ultimately has been dismissed. The only ground raised, here is that the petitioner was required to be heard by the learned Mamlatdar in the execution proceedings since he was a transferee. In my considered opinion, the argument is specious for the reason that the

petitioner being a transferee is bound by the orders passed against respondent nos. 4 and 5 and cannot set up an independent right other than what the respondent nos. 4 and 5 possess. Since respondent nos. 4 and 5 are bound by the order of the learned Mamladar dated 15.9.2005, the petitioner would be equally bound by the same.

2. The petition is without any merit and therefore, dismissed.

**JUDGE**

*Sarkate*