

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO.1286 OF 2022

SHASHIKALA KARBHARI WAYSE AND OTHERS
VERSUS
SITARAM PANDHARINATH GUDAGHE AND OTHERS

...
Advocate for Petitioners : Mr. Kulkarni Sanket S.
AGP for Respondents-State : Mr. S. P. Tiwari
Advocate for Respondent Nos.1 to 4 : Mr. D. R. Adhav
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 15th February, 2023

PER COURT :

1. Heard the learned Advocate appearing on behalf of the parties. The learned Advocate for the petitioners submits that, the matter needs to be remitted back to the Tahsildar spot inspection was not conducted in presence of the one of the parties. The procedure as contemplated under the Act in deciding the application under Section 5 of the Mamlatdars' Courts Act was also not followed.
2. In view of the same, the matter is remitted back to the Mamlatdar for fresh consideration.
3. Both the impugned orders dated 26/11/2012 passed by the

Tahsildar, Kopargaon in Rasta Case No.4 of 2012 and dated 21/01/2015 passed by the Sub Divisional Officer, Shirdi in Revision Application No322 of 2013, are set aside and the matter is remitted back to the Tahsildar for fresh adjudication.

4. Since the matter is pending for a long period of time, the Tahsildar to decide the Rasta Case No.4 of 2012 as expeditiously as possible, and in any event, within a period of four months from the date of receipt of this order.

5. The parties to appear before the Mamlatdar on 23/02/2023.

6. In view of the above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.