

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3325 OF 2022

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| 1. | Shriram s/o. Uttam Patil
Age. 68 years, Occ. Agriculture,
R/o. At Post Tarwade,
Tq. & Dist. Dhule. | .. | Petitioners |
| 2. | Baban s/o. Shriram Patil
Age. 43 years, Occ. Service,
R/o. At Post Tarwade,
Tq. & Dist. Dhule. | | |

Versus

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| 1. | The State of Maharashtra
Through the Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai – 32. | .. | Respondents |
| 2. | Addl. Collector/Sub Divisional Officer,
Division Dhule. | | |
| 3. | The Tahsildar, Dhule Rural,
Tq. & Dist. Dhule. | | |
| 4. | Janabai Trambak Chavan,
Age. 50 years, Occ. Household, | | |
| 5. | Vidya Guruprasad Chavan,
Age. 35 years, Occ. Household, | | |
| 6. | Sakshi Guruprasad Chavan,
Age. 33 years, Occ. Household, | | |

7. Mangala Trambak Chavan
Age. 41 years, Occ. Household,
The respondent Nos.4 to 7 are
R/o. Lonje, Tq. Chalisgaon,
Dist. Jalgaon.
8. Jayvantrao Bhivsan Mali,
Since deceased through his Legal Heirs
- 8A) Aruna Jayvantrao Mali
Age. 59 years, Occ. Household
- 8B) Vishal Jayvantrao Mali
Age. 21 years, Occ. Education
- 8C) Jayshri Vijay Mahajan
Age. 40 years, Occ. Household
- 8D) Ashwini Swapnil Sonawane
Age. 32 years, Occ. Household,
- 8E) Rutuja Jayvantrao Mali
Age. 30 years, Occ. Services
R/o. 13, Madhav Colony,
Near Natraj Talkies, Dhule,
Tal. & Dist. Dhule.

Mr.Ujwal S. Patil, Advocate for the petitioners.
Mr.S.B. Pulkundwar, AGP for the respondent/State.
Mr.A.S. Savale, Advocate for respondent Nos. 4 to 7.

CORAM : **KISHORE C. SANT, J.**
DATED : **18.08.2023**

PC :-

01. Heard learned Advocates for the parties at length. This petition is filed against judgment and order passed by learned Additional Collector and Sub-Divisional Officer, Dhule dated 04.10.2021 under section 23 of the Mamlatdars' Courts Act, rejecting revision of the petitioners.

02. Respondent Nos.4 to 7 are the applicants in the proceedings under section 5 of the Mamlatdars' Courts Act before the Tahsildar. The Tahsildar after drawing panchanama in presence of the parties and after hearing the parties, allowed the application directing the petitioners to remove obstruction on the road to go to land No.160 by giving way from land which is in existence between land Gat Nos.158 and 163, which goes to land Gat No.163 by the side of land Gat No.159. The petitioner had appeared before the Tahsildar, however, did not file any say. In the revision, ground was raised that the petitioners could not file say as petitioner No.1 happens to be uneducated and petitioner No.2 was staying away because of his service. Before the revisional authority, thus, revision was filed. Further ground is taken that because of threats given by the respondents, the petitioners could not file say before the Tahsildar.

03. The learned Sub-Divisional Officer rejected the revision and recorded finding that the Tahsildar has passed order after hearing the parties and after drawing panchanama. No illegality was found and therefore he rejected the revision.

04. Before this Court, it is sought to be contended that the panchanama was not correctly drawn. There is no mention of existence of alternative way to go to land No.160. This Court has carefully seen the panchanama. In-fact, it is seen that road is seen in between land Gat Nos.163 and 158. Said road is also continued towards the area passing by the side of land Gat No.160 and goes straight. Said road is shown as cart way. This Court, thus, finds that from the panchanama, there is road in existence except obstruction on the canal named as patchari. When this is the position, this Court does not find any mistake committed by both the authorities.

05. The learned Advocate for the petitioners at this stage submits that the Tahsildar can be again directed to draw panchanama and submit it before this Court. However, looking to other material, the petitioners themselves

have not made any attempt before the Tahsildar to file even say or to show any alternative way. In view of the same, said exercise would of no use. No ground is made to call for interference in the impugned order. Therefore, the writ petition is dismissed with no order as to costs.

06. The learned Advocate for the petitioners at this stage makes request to continue order of status-quo granted earlier for a further period of four weeks. This Court finds that as the status-quo is running for a considerable period, same is continue for a further period of four weeks from today.

[KISHORE C. SANT, J.]