

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1011 WRIT PETITION NO.4626 OF 2022

DADASAHEB SAHEBRAO SHINDE
VERSUS
POPAT SANDU AVHALE AND OTHERS

...
Advocate for Petitioner : Mr. Deshpande Jagdish V
AGP for Respondents-State : Mr. N. T. Bhagat
Advocate for Respondent No.1 : Mr. M. B. Ubale
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 08/11/2023

PER COURT :

1. The impugned orders passed by the authorities under the Mamlatdar's Court Act are executed on 09/05/2018. Substantial time has passed by and the proceeding before the Mamlatdar's Court Act are summary in nature. The authorities under the Mamlatdar's Court Act have concurrently held that there was an existing pathway which is obstructed and has directed the removal of obstruction. In view of Section 22 of the Mamlatdar's Court Act any order passed by the authorities under the Mamlatdar's Court Act is subject to the order passed by the Civil Court in Civil suit.

2. The writ petition is disposed of with liberty to the petitioner to file a civil suit to assert his right over the land on which the obstruction

on the road is directed to be removed.

3. In the event, such suit is filed, the Civil Court to decide the same in accordance with law. Needless to mention that, trial Court shall not get influenced by prima facie observations made in this order or the orders passed by the authorities under the Mamlatdar's Courts Act. In view of the above, writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.