

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

942 WRIT PETITION NO.4491 OF 2022

RAJENDRA BHANUDAS SUKALE AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Nagargoje A. N. & Mane D. M.  
AGP for Respondents-State : Mr. K. B. Jadhavar  
Advocate for Respondent No.10 : Mr. S. G. Jadhavar  
Advocate for Respondent No.5 : Mr. V. S. Undre  
Advocate for Respondent Nos.6 to 9 : Mr. A. A. Khande h/f L. H.  
Kawale

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**CORAM : ARUN R. PEDNEKER, J.**  
**DATE : 29<sup>th</sup> March, 2023**

**PER COURT :**

1. Heard the learned Advocates appearing on behalf of the parties.
2. It appears from the record that the application under Section 5 of the Mamlatdar's Courts Act filed is not as per the procedure and provisions as contemplated under the Mamlatdar's Courts Act. The application filed under Section 5A of the Mamlatdar's Courts Act is not as per the provisions or requirements of Section 7 of the Mamlatdar's Courts Act and the provisions of Section 8 onwards of the Mamlatdar's Courts Act are to be followed by the Mamlatdar, and the same are also not followed.
3. In view of the same, the orders passed by the Mamlatdar and the Sub Divisional Officer is set aside. The matter is remitted back to

the Mamlatdar to decide the original proceedings by following the procedure as contemplated under Section 8 onwards of the Mamlatdar's Courts Act. The Mamlatdar to decide the proceedings within a period of three months from the date of the receipt of this order.

4. By way of an interim arrangement, the access through the pathway would remain open, however it is not to be further opened up further as a cart way or motor way.
5. The record and proceedings be sent back forthwith.
6. The petition is disposed of.

**( ARUN R. PEDNEKER, J. )**

*vj gawade/-.*