

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

974 WRIT PETITION NO.8854 OF 2022

GULAB PITAMBAR BHIL
VERSUS
KANIRAM SOBA RATHOD AND ANOTHER

...
Advocate for Petitioner : Mr. Patil Jitendra Vijay
Advocate for Respondent Nos.1 and 2 : Mr. G. S. Rane
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 23rd January, 2023

PER COURT :

1. The proceedings under Section 5 of the Mamlatdar's Courts Act initiated by the petitioner were dismissed on account of the fact that, the spot inspection revealed that there is no existing road going to the land of the petitioner from the respondents land. However, it was also noticed that the land of the petitioner is land locked.
2. The petitioner cannot seeks exercise of jurisdiction under Section 5 of the Mamlatdar's Courts Act as there is no existing road which is obstructed by the respondents. However, the petitioner would be at liberty to approach the appropriate authority under the Maharashtra Land Revenue Code to seek a new way to his land under Section 143 of the Maharashtra Land Revenue Code.

2. The authorities under the Maharashtra Land Revenue Code to decide such an application, if filed by the petitioner, in accordance with the law without being influenced by any part of the order passed in the present proceeding.

3. In view of the same, the petition is dismissed with liberty as above.

(ARUN R. PEDNEKER, J.)

vj gawade/-.