

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

60 WRIT PETITION NO.8373 OF 2023

RAMNATH DAMU GAHAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...

Advocate for Petitioners : Mr. Thorat Nanabhau R
AGP for Respondents State: Mr. S. B. Yawalkar

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 18th July, 2023

ORDER:

1. We have considered the submissions of the learned Advocates for the respective sides.

2. The petitioners had approached the Mamlatdar under the Mamlatdar Courts Act, 1906. Their application was rejected by order dated 16.03.2021 in Rasta Case No.100/2020. They approached the Revisional Authority under Section 23(2) of the Maharashtra Land Revenue Code. By order dated 29.04.2022, the revision application was rejected and the order of the Mamlatdar was confirmed. However, in Clause 3 of the operative part, the Revisional Authority directed measurement of the Shiv rasta of both the villages and if there was any encroachment on the Shiv, he directed the Tahsildar, Newasa to remove the said encroachment.

3. Grievance of the petitioners is that they want the directions set out in Clause 3 of the operative part to be implemented, as they have not challenged the orders of rejection passed by the Mamlatdar as well as the Revisional Authority. The learned Advocate submits that very little has been done in furtherance of the said direction.

4. We find that the petitioners can avail of the remedy under section 21 of the Mamlatdar Court Act for executing the orders of the Revisional Authority.

5. As such, **this petition is disposed off** with a direction to Respondent No.5- Tahsildar, Newasa that he shall proceed as mentioned in Section 21 of the Mamlatdar Courts Act to ensure that the direction No.3 in the operative part of the order of the Revisional Authority dated 29.04.2022, be implemented by following the due procedure laid down in law, preferably within 45 days from today.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan