

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

952 WRIT PETITION NO.8755 OF 2014

SURESH BABURAO KULKARNI
VERSUS
RUKMANBAI SHRIRAM PATIOL AND OTHERS

...
Advocate for Petitioner : Mr. S.N. Dudhate h/f. Mr. J.V. Deshpande
AGP for Respondents 2 & 3 : Mr. K.B. Jadhavar
...

**CORAM : ARUN R. PEDNEKER, J.
DATED : 14/03/2023**

PER COURT :

1. Concurrent orders passed by the Tahsildar and Sub Divisional Officer directing removal of obstruction on the existing road/pathway are challenged in the present writ petition. This petition is pending for long time and there is no interim relief granted by this Court in this writ petition. The proceedings before the Mamlatdar under section 5 of the Mamlatdar Courts Act are never conclusive and always subject to orders passed by the Civil Court. The petitioner is at liberty to pursue the remedy before the Civil Court for declaration/injunction on the land on which the respondents have claimed their right of way.

2. With the above liberty, the petition stands disposed of. All contentions are left open.

[ARUN R. PEDNEKER J.]

ssc/