

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 80 OF 2022

**KHUSHALI DATTARAM
GAONKAR AND ANR.**

..... Petitioners

Versus

**KIRAN S. PRABHU MALKARNEKAR
AND ANR.**

..... Respondents

Mr Dinesh Naik and Ms Trupti Pethkar, Advocates for the Petitioners.
Mr A. D. Bhobe, Ms A. Fernandes and Ms R. Prazeres, Advocates for the
Respondents.

CORAM: M. S. SONAK, J.
DATED : 10th AUGUST 2023

P.C.:

- 1.** Heard the learned counsel for the parties.
- 2.** The challenge in this case is to the concurrent orders made by the Mamlatdar and the Collector allowing the Respondents' application under Section 4(f) of the Mamlatdar's Court Act, 1966 directing the Petitioners to remove the obstruction and refrain from interfering with the use of access by the Respondents.
- 3.** Apart from the fact that there are concurrent findings, Section 21 of the Mamlatdar's Court Act makes it clear that nothing in the Section shall

prevent the party against whom the Mamlatdar's decision is made from resorting to remedies before the Civil Court.

4. Thus, even though the impugned orders are not being interfered with, it is clarified that should the Petitioners institute any civil suit, such suit will have to be decided based on its own merits and in accord with law without in any manner being influenced by the orders made by the authorities under the Mamlatdar's Court Act. The Civil Court should also not be influenced by the present order by which this Court has declined to interfere with the orders made by the authorities under the Mamlatdar's Court Act. All contentions of all parties on the existence of the access or its blockage are expressly kept open to be determined in a suit, if instituted by the Petitioners.

5. With the above clarification, this petition is disposed of. There shall be no order for costs.

M. S. SONAK, J.

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