

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1431/2023

Maya Ramesh Thakre
...Versus...
Bahulabai Shivram Kakde and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Sohoni, Advocate for petitioner
Ms Tajwar Khan, AGP for respondent nos.5 and 6

CORAM : AVINASH G. GHAROTE, J.
DATE : 09/03/2023

1. Heard Shri S.S. Sohoni, learned counsel for the petitioner.
2. The petition challenges the order dated 30/12/2021 passed by the learned Mamlatdar under Section 5 of the Mamlatdars' Courts Act, which has been, in turn, confirmed by the Sub Divisional Officer in revision by his order dated 01/09/2022 (pg.62). It is contended that the orders below have been passed on a misconception that the road was in existence and has been blocked by the original defendants. The inspection report dated 12/10/2020 is being relied upon for this purpose.

3. A perusal of the map at pg.39, clear copy of which is tendered across the bar, indicates that the property of the respondent no.1, which is Survey no.26/2, which is owned by original plaintiff no.1/respondent no.1 is landlocked. The authorities below have found the existence of an approach road to the property of the respondent no.1 from the boundary of the land of Survey no.46, which is owned by the respondent no.4 and Survey no.26/1, which is owned by the petitioner. The inspection report dated 12/10/2020 also substantiates this position and demonstrates that due to the erection of a water drainage from the boundary, the approach of the respondent no.1 to his property has been blocked, which has been directed to be removed. The respondent no.1 being a landlocked person necessarily has a right to approach his own property by use of the boundaries of the neighbouring field, considering which, since the findings have been rendered by both the authorities below indicate the blocking of the way and no material is brought to my notice to indicate any other situation than what has been found by the authorities below, I do not see any reason to interfere in the impugned orders. The writ petition is without any merit and is therefore dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)