

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

WRIT PETITION NO. 3489 OF 2023

Milind Kashiramji Sarkate

— Vs. —

Bhanudas Bhagwanta Sarkate and ors

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

Court's or Judge's orders

Mr. M.V.Joshi, Advocate for petitioner

Mrs. M.A.Barabde, AGP for respondent Nos. 2 & 3.

CORAM : AVINASH G. GHAROTE, J.

DATE : 07/06/2023

1] Heard Mr. Joshi, learned counsel for the petitioner.

2] Learned AGP appears for Respondent nos. 2 and 3.

3] By an application under Section 5 of the Mamlatdar Courts' Act, the obstruction created by the petitioner on the approach way through the boundary to the land of Gat no. 212 (to the north side) was sought to be removed.

4] The spot inspection report dated 10.7.2020 (pg.55) indicated the existence of a road upto the southern boundary of the portion of Gat

no.212 owned by the present petitioner. Thereafter it is not disputed that the eastern boundary of the land held by the petitioner, at the north-east corner abuts to the land held by the respondent no.1. Both the authorities below have concurrently found that the road was in existence and was obstructed by the present petitioner by creating an obstruction on the south-east corner of his land and therefore, the obstruction has been directed to be removed.

5] Nothing has been pointed out to me to indicate the position otherwise. The way is over the boundary (dhura), which is normally used for passage and approach to the agricultural lands. Though it is contended that there was an alternate road available, there is no material on record to indicate this, except for a sketch map, prepared by the petitioner himself and filed before this Court, considering which I am not inclined to interfere in the impugned order. The petition is therefore dismissed. No costs.

JUDGE

Rvjalit

Digitally sign byRAJESH
VASANTRAO JALIT
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Signing Date:07.06.2023 18:16