

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

**WRIT PETITION NO.4374 OF 2022**

(MURLIDHAR GULABRAO LILARVHE & ANR..VS.. SUB-DIVISIONAL OFFICER, TIOSA & OTH.)

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

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Shri N.A.Gawande, Advocate for Petitioners.  
Shri D.P.Thakare, Addl.G.P. for Respondent Nos. 1 and 2.  
Shri P.S.Patil, Advocate for Respondent No.3.  
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**CORAM : ANIL S. KILOR, J.**  
**DATED : JUNE 21, 2023.**

1. Heard.

2. In this petition, the challenge is raised to the order dated 12/07/2022, passed by the Sub-Divisional Officer, thereby the matter is remanded back to the Mamalatdar. However, till the decision of the Mamalatdar, the applicant-Ramesh Daulat Damahe was permitted to use the approach way in dispute.

3. Thus, the grievance raised in this petition is not as regards the remand of the matter, but to the second part of the order permitting the applicant Ramesh Damahe to use the approach way in question.

4. The Sub-Divisional Officer has passed the above referred order on 12/07/2022 and on 29/07/2022 this Court stayed the said order and it is continued till date. Thus, from last about 11 months the stay is operating in favour of the petitioner.

5. It is informed that yet the Mamalatdar has not decided the matter. In these circumstances, I am of the opinion that, without going into the merits of the matter, the petition can be disposed of with directions to the Mamalatdar to decide the matter.

6. Both the parties are agreeable for the same. Accordingly, I pass the following order:

- i) The writ petition is disposed of.
- ii) The respondent No.2-Mamlatdar is directed to decide the application filed by the respondent No.3-Ramesh Daulat Damahe, within two months from the date of appearance of the parties.
- iii) Both the parties shall appear before the Mamalatdar, Tiosa on 30/06/2023 at 11:00 a.m.
- iv) Till decision of the Mamalatdar, the interim stay granted by this Court vide order dated 29/07/2022, shall continue.

The writ petition is **disposed of** accordingly.  
No order as to costs.