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

WRIT PETITION NO. 3821 OF 2024

**JIVAN SAWAIRAM MAHER AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Mr C. R. Thorat, Advocate for Petitioners;
Mr P. K. Lakhotiya, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
R. M. JOSHI, JJ.**

DATE : 16th April, 2024

PER COURT:

1. The Petitioners are aggrieved by the obstruction/encroachment made on the Cart road from Village Zodegaon to Khadak Waghalgaon, Taluka Gangapur, Dist. Chhatrapati Sambhajinagar. It is apparent that, if the contention of the Petitioner is substantiated, it would be covered by the Mamlatdar's Courts Act, 1906.

2. The provisions of the Mamlatdar's Courts Act, 1906 enables the aggrieved party to approach the Mamlatdar for

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removal of obstruction and Revisional Proceeding under Section 23(2), is also provided for. There is an inbuilt mechanism under the said Act for dealing with obstructions created by the villagers on such roads. Had it been a case of creation of a new way or road, the Petitioners would have been required to avail of a remedy under Section 143 of the Maharashtra Land Revenue Code, 1966.

3. The learned Advocate for the Petitioners submits that the Petitioners would avail of such remedies.

4. In view of the above, **this Writ Petition is disposed off.** All the contentions of the Petitioners as well as the litigating parties are kept open for the Mamlatdar to consider in the proceeding, that would be initiated under the provisions of the Mamlatdar's Courts Act, 1906.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

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