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

1 WRIT PETITION NO. 7709 OF 2024

Ashok Bhadu Chaudhari And Others

VERSUS

The Sub Divisional Officer Erandol And Others

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Mr.H. P. Randhir, Advocate for the Petitioner.

Smt. R. R. Tandale, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 26th NOVEMBER 2024

PC :-

1. Heard the learned Advocate for the parties.
2. The petition arises out of the proceedings under Section 5 of the Mamlatdar's Court Act, 1906. The Suit was filed against the present petitioners by respondent Nos.3 to 5. The Tahsildar, Dharangaon was placed to allow the easementary (Vahivat) Case No. 8 of 2021 directing the present petitioners to remove obstructions created on the road from Gut No. 312/1, 312/2 and 312/3.
3. The said judgment was challenged by the petitioners by filing revision before the learned Sub-Divisional Officer, Erandol, Dist. Jalgaon. The learned Sub-Divisional Officer, Erandol dismissed the Revision Application No.86 of 2022 by its judgment and order dated 22nd December 2023. The petitioners are therefore before this Court.

4. It is vehemently argued by the learned Advocate for the petitioners that the learned Sub-Divisional Officer has failed to appreciate the documents on record. There is no way in existence. The application itself was not maintainable. The panchnama was wrongly drawn. There is no mention that the petitioners have become owners of the land by way of sale-deed. In the sale-deed, there is no mention of the existence of such a way. The ground of mutation was also taken. The learned Advocate therefore submits that the petition deserves to be allowed.

5. This Court has gone through the impugned judgment and order. The learned Sub-Divisional Officer has categorically recorded a finding that the panchnama was drawn in the presence of the present petitioners and respondents and in the panchnama, there is a mention of the road, which is obstructed.

6. The learned A.G.P. opposed the petition. She submits that the learned Sub-Divisional Officer has rightly observed in panchnama that the road is shown to have been obstructed. No dispute is raised about the genuineness of the panchnama. The learned Sub-Divisional Officer has clearly observed that the road is being used even by the college students to go to their school. She submits that no case is made out even to issue notice. She thus prays for rejection of the writ petition.

7. This Court has gone through the reasoning recorded by the learned Sub-Divisional Officer and the panchnama drawn by the authorities. The panchnama is also signed by the present petitioners. Nothing is brought on record to show that the panchnama is not genuine. Considering all these, this Court finds that no case is made out even to issue notice to the respondents.

8. Considering all these, this Court is not inclined even to issue notice. The petition is therefore dismissed with no order as to costs.

[KISHORE C. SANT, J.]