



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 14195 OF 2023**

**GANPATI SADASHIV KAVALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DEPUTY
COLLECTOR AND OTHERS**

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Mr. Chandrakant D. Biradar, Advocate for the Petitioner.
Mr. A. V. Lavte, AGP for Respondents-State.
Mr. M. S. Deshmukh h/f Mr. Uddhav Laxmanrao Momale,
Advocate for Respondent No.3.

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**WITH
CIVIL APPLICATION NO. 299 OF 2024
IN WP/14195/2023**

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 20th JULY, 2024.**

P.C.:-

1. Heard learned Advocates appearing for the respective parties.
2. The petitioner impugns the order dated 29.08.2023 passed by the Sub Divisional Officer, Udgir in File No.2022/ROR/A-85 on stay application.
3. It appears that this Court after hearing the petitioner passed order dated 08.11.2023, which reads as under:

“1. Heard the learned Advocate representing the respective parties. During the pendency of this proceedings, the direction given by the Tahsildar to open the road to the extent of 8.25 feet is stayed. However, the petitioner is directed not to obstruct pathway of the respondents to the extent of 4 ½ feet on the road directed to be opened up in terms of the order of the Tahsildar.

2. In the event the petitioner obstructs the road, the Tahsildar to ensure that the road to the extent 4 ½ feet i.e. pathway is not obstructed by the petitioner as granted by the Tahsildar.

3. *The learned Advocate for the petitioner submitted that the road directed to be opened is a private road and there is no public road available.”*

4. Admittedly, the Revision Application filed under Section 23 of the Mamlatdar’s Courts Act is pending adjudication before the Sub Divisional Officer. In that view of the matter, it would be in the interest of parties that they co-operate for early disposal of the Revision Application and Revision Application shall be disposed of by the Sub Divisional Officer expeditiously. In that view of the matter, without going into the merits of the submissions advanced, following order is passed:

ORDER

- a. Writ Petition is partly allowed.
- b. Parties shall appear before the Sub Divisional Officer on 01.08.2024, which is date fixed for hearing and submit their written submission, if any in addition to the oral argument.
- c. The learned Sub Divisional Officer after considering the submissions of the parties, pass final order in Revision Application within a period of four weeks thereafter.
- d. Till disposal of the Revision Application, the interim arrangement made under order dated 08.11.2023 by this Court shall continue.
- e. Writ Petition is disposed of in aforesaid terms.
- f. In view of disposal of Writ Petition, Civil Application stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE