



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

WRIT PETITION NO. 3032 OF 2024

SHIVAJI RANGNATH SHINDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for the Petitioners : Mr. B. G. Sagade
AGP for Respondents No.1 to 3 : Mr. S. N. Kendre
...

CORAM : S. G. MEHARE, J.

DATE : 23-04-2024

PER COURT :-

1. Heard the learned counsel for the petitioners.
2. Issue notice to respondents, returnable on 06.05.2024.
3. Learned A.G.P. waives service of notice for respondents No.1 to 3.
4. Learned counsel for the petitioners submits that the petitioners were not the parties before respondent No.3 / Tahsildar. In the proceedings under the Mamlatdar's Court Act, behind their back an injunction order has been passed. They had preferred the revision before respondent No.2 / Sub-Divisional Officer, raising similar grounds. However, respondent No.2 / S.D.O. did not consider the right to hear and maintained the order of respondent No.3 / Tahsildar.

5. *Prima facie*, it appears that the petitioners were not parties to the proceeding under Section 5 of the Mamlatdar's Courts Act. However, the order has been passed against them. Respondent No.2/S.D.O. also did not consider these material aspects and passed a mechanical order confirming the order of respondent No.3 / Tahsildar.

6. It appears that both impugned judgments and orders are passed without granting hearing to the petitioners. Therefore, there shall be *status quo* as regards opening the disputed way, till the next date.

(S. G. MEHARE)
JUDGE

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