

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3015 OF 2022

Yashwant Vitthal Deore & Anr ... Petitioners
V/s.
Abhiman Laxman Deore & Ors ... Respondents

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Mr. Mahendra N. Sandhyanshiv, for Petitioners.

Mr. Dinesh P. Adsule, for Respondent Nos.1 to 9.

Mrs. Madhubala Kajale, AGP for State/Respondent
Nos.10 to 12.

CORAM : AMIT BORKAR, J.

DATED : MARCH 27, 2024

P.C.:

1. The petitioners who are the opponents to the proceedings under Section 5 of the Mamletdar Courts Act, 1906 are challenging concurrent orders passed by the Mamledar and Sub-Divisional Officer in exercise of power under Section 5 and Section 23(2)(3) of the Mamletdar Courts Act, 1906.

2. Based on panchanama and other material on record, the Tehsildar and Sub-Divisional Officer recorded a concurrent finding of fact that there was existence of 12 ft. road as alleged by the respondents. Based on such finding of existence of 12 ft. road, the Mamledar by an order dated 5 July 2021, restrained the opponents from disturbing respondents from using 12 ft. road.

3. Since, the findings recorded by the Authorities below are purely findings of fact based on admissible material, in the absence of perversity, no interference is called for. However, it is made clear that the respondents shall not claim more rights than the rights under clause (2) of the Mamledar by order dated 5 July 2021.

4. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)