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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4493 OF 2017**

Shri Jaisingh Wamanrao Pawar and Another ... Petitioners
Vs.

Shri Manikrao Sayajirao Kakade ... Respondents
(since deceased through LRs) and Another

Mr. Surel S. Shah a/w. Mr. Ishaan Kapse for the Petitioners.

Mr. P. V. Nelson Rajan, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 11th MARCH 2024

P.C.

1. This petition takes exception to orders passed under the Mamlatdar Courts Act, 1906 ("the said Act"). By order dated 24th January 2014 the learned Tahsildar allowed the application filed under Section 5 of the said Act and directed removal of obstructions on the 10 feet road as described in the operative part of the order. Perusal of the order indicates that the same is passed based on agreement dated 23rd September 2005 signed by 22 villagers including the petitioners. Learned Tahasildar has also relied upon a spot inspection report for passing the said order.

2. Feeling aggrieved by the said order the petitioners preferred revision application under Section 23(2) of the said Act. The revision application is dismissed by the Sub-Divisional Officer and the original order of Tahsildar has been confirmed. The said order passed under Section 5 of the said Act is operative since 24th January 2014.

3. Perusal of both the orders indicate that the petitioners remained absent during the hearing before the Tahsildar and it also appears that the agreement signed by the 22 villagers as well as the spot inspection report is not disputed by the petitioners.

4. I do not find any error or illegality in the reasons recorded by both authorities warranting any intervention by this court by exercising powers under Article 227 of the Constitution of India.

5. Needless to clarify that orders passed under the Mamlatdar Courts Act are always subject to challenge in civil proceeding.

6. Hence in the event petitioners are aggrieved by the directions issued by the impugned orders, the petitioners always have a remedy to file appropriate civil proceeding for agitating their grievance and

dismissal of the present petition will not be an impediment to the petitioners to agitate their grievance raised in the petition.

7. Hence, for the reasons stated above, writ petition is dismissed.

[GAURI GODSE, J.]