



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1161 OF 2020

Shri Eknath S/o Sampat Tale and another .Vs. The Collector, Buldhana, Collector
office, Buldhana and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.V. Rai, Advocate for petitioners.

Shri J.Y. Ghurde, A.G.P. for respondent Nos.1 to 3/State.

Shri Nikhil Waghmare, Adv. h/f Shri P.B. Patil, Adv. for respondent Nos.4 and 5.

CORAM : ANIL S. KILOR, J.

DATED : 24/04/2024

1. The approached way granted by the Collector to the respondent Nos.4 and 5 from the agricultural field of the petitioners vide order dated 08.11.2019, is under challenge in the present writ petition.

2. This is a third round of litigation. This Court after considering the background and the dispute, remanded the matter to the Collector for decision on merit vide order dated 02.05.2019. Accordingly, the Collector carried out the spot inspection on 31.07.2019. On the basis of the aforesaid spot inspection, it is observed that, the approach way claimed by the respondent Nos.4 and 5 through the field of the petitioners is in existence. However, the petitioners have taken the same under cultivation. Accordingly, the directions were issued by the Collector to

remove such obstruction and clear the approached way of the respondent Nos.4 and 5.

Shri Rai, learned counsel for the petitioners submits that, the approached way which has been granted by the Collector is not in existence but the way shown by letters A, B and C in the map at Page No.53 of the petition is the way available to the respondent Nos.4 and 5. It is submitted that, there is no such way available as granted by the Collector.

3. However, the learned counsel for the respondent Nos.4 and 5 has pointed out from the Village Map which is a Government Map, filed at Page No.75 of the record book that, the approached way claimed by the respondent Nos.4 and 5 is in existence since long and it is a government road.

4. On perusal of the above referred Village Map, it is evident that, the said road is shown in the map which goes from the middle of the survey Nos.45 and 47.

5. Thus, I do not find any substance in the submission of the learned counsel for the petitioners that, the road granted by the Collector is not in existence.

6. In that view of the matter, since the Collector has not committed any error, I do not find any merit in the present writ petition. Accordingly, writ petition is **dismissed**.

JUDGE