



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

WRIT PETITION NO. 4453/2023

Nandkishor Madhukarrao Kitukale & Ors. Vs. Smt. Vimal Devidas Malve & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms A. H. Dangre, Advocate for petitioners.

Ms. V. Umale, Advocate for instructed by Mr. A. V. Khare, Advocate for
respondent Nos. 1 to 5.

Ms. M. A. Barabde, A.G.P for respondent Nos. 6 and 7.

CORAM : **ANIL L. PANSARE, J.**

DATE : **20.07.2024**

Heard.

2. Having heard both sides at length, the parties are ad idem that the inspection map dated 03.12.2021 (page No.69) is either not correct or is not properly described. If this map is compared with the pleadings as also the map (page No.66), it appears that there is no clarity on the point of location where the alleged impediment has been made by the petitioners.

3. Grievance of respondent Nos.1 to 5 is/was that the petitioners have obstructed the approach road of the respondents to their field. Spot of obstruction, as noted above, is shown at two different locations (page Nos. 66 and 69).

4. In view of such a discrepancy, the learned counsel have shown their inability to put forth their cases and have accordingly requested to remand the matter back.

5. The request being reasonable, is allowed. Revenue Case No.25/MC-05/Fubgaon (Saidapur)/2019-20 is relegated back to Mamlatdar/Tahsildar to decide it afresh, in accordance

with law. The Mamlatdar/Tahsildar shall ensure that the inquiry is conducted strictly in terms of the provisions under Sections 7, 8 and 9 of the Mamlatdar's Courts Act, 1906. In the alternative, the Mamlatdar/Tahsildar is at liberty to decide the issue in terms of provisions of the Maharashtra Land Revenue Code, 1966. The parties shall appear before Mamlatdar/Tahsildar on 05.08.2024.

6. The petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)

Kahale