



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

Writ Petition No.4551/2024

(Sham V Sub-Divisional Officer, Mangrulpir and others)

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

Court's or Judge's orders

Mr. A.M. Haque, Advocate for petitioner.
Ms Joshi, AGP for respondent nos. 1 and 2.

CORAM : N.R. Borkar, J.

DATE : 14-08-2024.

. This petition takes exception to the order dated 28-12-2022 passed by respondent No.2- the Tahsildar, Mangrulpir in Rev. Case No.BND-54/Aajgaon-01/2018-19/2022-23, the order dated 30-04-2024 passed by the learned Civil Judge (Junior Division), Mangrulpir below Exhibit-5 in R.C.S. No.135/2023 and the order dated 03-07-2024 passed by the learned Adhoc District Judge-1, Mangrulpir in Misc. Civil Appeal No.12/2024.

ii. The dispute between the parties is in relation to the right of way. By order dated 28-12-2022, respondent No.2 has allowed the application filed by respondent No.3 against the present petitioner under Section 143 of the Maharashtra Land Revenue Code, 1966 and granted

Cart way to respondent No.3 to approach to his field from the boundary of the field owned by the petitioner. The petitioner has challenged the said order by filing the suit. By order dated 30-04-2024, the trial Court has rejected the application filed by the petitioner for temporary injunction by observing that the petitioner has not made out case for grant of temporary injunction and with similar observations, the appeal which was filed by the petitioner against the order of the learned trial Court came to be dismissed.

iii. I am not inclined to interfere in concurrent finding of fact recorded by the Revenue Authorities and the learned Civil Court in writ jurisdiction.

iv. The petition is dismissed.

(N.R. Borkar, J.)