



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

Writ Petition (WP) No. 8267 of 2022

Raju Madhukar Kavhalkar and others

Versus

**The Deputy Collector and the Sub-Divisional Officer, 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 N.B.Kalwaghe, Advocate for the petitioners.

Ms. Payal Bawankule, AGP for the respondent nos. 1
and 2.

Shri U.J.Deshpande, Advocate for the respondent no.3.

CORAM : ANIL S. KILOR, J.

DATED : 3rd JANUARY, 2024.

Heard.

2. In the present writ petition, the respondent no.3 approached to the Mamlatdar against the respondent no.4 for removal of obstruction in his approach way to his field, which was allowed by the Mamlatdar.

3. The order of the Mamlatdar was based on a spot inspection report conducted at the instance of Mamlatdar.

4. However, in the revision proceedings before the Sub-Divisional Officer, Buldhana, the Sub

Divisional Officer called another spot inspection report and on the basis of such spot inspection report, certain findings were recorded, which are adverse to the interest of the petitioners. Hence, this petition.

5. Admittedly, the petitioners were not party to the above referred proceedings and therefore the only concerned which has expressed in this writ petition is that, such findings, which are not bindings on the petitioners may be used in the execution proceeding pending between the respondent nos. 3 and 4.

6. Shri Deshpande, learned counsel for the respondent no.3 fairly states that the execution proceeding is restricted against the respondent no.4, seeking to execute the order of Mamlatdar and Sub-Divisional Officer against the respondent no.4.

7. In that view of the matter, the writ petition is disposed of with the observations that the findings which are recorded by the Sub-Divisional Officer and are adverse to the interest of the petitioners, the authority shall not get influenced by the same while deciding execution proceeding.

[ANIL S. KILOR, J.]