



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 239 OF 2025

Machhindra Hilal More and others

.. Petitioners

Versus

The Tahsildar, Bhadgaon and others

.. Respondents

Mr. Rahul P Savale, Advocate for the Petitioners.

Mr. K. N. Lokhande, AGP for Respondent Nos. 1 to 3.

Mr. H. P. Randhir, Advocate for Respondent No. 4.

CORAM : KISHORE C. SANT, J.

DATED : 08th JANUARY, 2025.

P C. :-

. Heard the parties for some time.

2. This case is arising out of the proceeding filed under Section 5 of the Mamlatdar's Courts Act. On hearing the parties and after going through the judgments, it is seen that, the learned Tahsildar has drawn a specific conclusion that the alleged road is in existence. The said finding is recorded on the basis of the map available with the authorities. He also considered that even in the year 2010 there was an application filed for removal of obstructions on the road and the said application was allowed. There is also a pipeline that goes by the side of the said road. The said finding is confirmed by the learned

S.D.O. No case is made out calling for interference at the hands of this Court.

3. The learned advocate for the petitioners, however, at this stage submits that, the authorities have issued notice directing the petitioners to remain present tomorrow i.e. on 09.01.2025 on the spot for removal of obstructions. At present, standing crop is there which would be disturbed if the order is to be implemented. The learned advocate thus earnestly prays for the stay to the effect of the order for some period.

4. The learned advocate for respondent No. 4 vehemently opposes the said request.

5. Since there is already a standing crop, four (04) weeks time is granted to the petitioners to harvest the standing crop. The impugned order to take effect after four (04) weeks from today.

6. With this, the writ petition is disposed of.

(KISHORE C. SANT, J.)

PS.B.