



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

120 WRIT PETITION NO. 1656 OF 2023

KUSUM LAXMAN KUSALKAR THROUGH GPA HOLDER GANGARAM
LAXMAN KUSALKAR

VERSUS

THE SUB DIVISIONAL OFFICER AHMEDNAGAR AND OTHERS

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Advocate for the Petitioner : Mr. Shubham S. Pawar h/f Mr. Rahul R.
Karpe

AGP for Respondent Nos. 1 & 2/State : Mr. V.S.Badakh

Advocate for Respondent Nos. 3 & 4 : Ms. Palve Ghule Renuka B.

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 15.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of present petition, the petitioner assails the order dated 04.01.2023 passed by the Sub Divisional Officer, Ahmadnagar in RTS Revision No. 155 of 2022, whereby, the revision petition filed by respondent Nos. 3 and 4 came to be allowed thereby setting aside order dated 21.03.2022 passed by the Tahsildar, Newasa in Rasta Case No. 47 of 2021 under Section 5 of the Mamlatdar's Courts Act, 1906 (for short "the Act").
3. The learned Counsel for the petitioner submits that the road was in existence and obstruction was caused to it, therefore, an application came to be filed by petitioner under Section 5 of the Act before the Tahsildar. The Tahsildar, after conducting the spot inspection

held that the road was in existence and obstruction was caused to it and therefore, application filed by the petitioner came to be allowed. Aggrieved by the said order respondent Nos. 3 and 4 filed Revision Application before the Sub Divisional Officer, Ahmednagar who allowed the Revision on vague grounds without stating any reasons and therefore, he prays to set aside the order passed by the Sub Divisional Officer, Ahmednagar.

4. Per Contra, learned Counsel for respondent Nos. 3 and 4 submits that the Sub Divisional Officer has considered the matter on merits and some photographs were also placed before the Sub Divisional Officer based on which he reversed the finding of Tahsildar. She submits that no road was in existence through Gat No. 84/1 and this fact has also been observed by the Sub Divisional Officer, Ahmednagar and therefore she supports the order passed by the Sub Divisional Officer.

5. I have gone through the order passed by the Tahsildar, Newasa and the Sub Divisional Officer, Ahmednagar. I have also perused panchanama which is at page No. 19 of this petition. The panchanama reveals that there was road in existence through Gat No. 84/1 and it was blocked from both sides by digging pits by respondent Nos. 3 and 4. The Tahsildar has allowed the application filed by the petitioner on the basis of findings given in the panchanama. Whereas, the Sub Divisional Officer, Ahmednagar has reversed the findings given by the Tahsildar without considering the panchanama and he has not given any findings regarding how he came to the conclusion of allowing the Revision filed by

the respondent Nos. 3 and 4.

6. The main object of the Act is to grant immediate relief to the agriculturists whose existing path way is blocked. Therefore, I am inclined to allow the present petition by setting aside the order passed by the learned Sub Divisional Officer, Ahmednagar.

7. In view thereof, the Writ Petition is allowed. The order dated 04.01.2023 passed by the Sub Divisional Officer, Ahmadnagar in RTS Revision No. 155 of 2022 is quashed. The order dated 21.03.2022 passed by the Tahsildar, Newasa in Rasta Case No. 47 of 2021 is confirmed.

(SIDDHESHWAR S. THOMBRE, J.)

mahajansb/