



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

50 WRIT PETITION NO. 1775 OF 2025

**SHRIKANT PANDURANG DOLAS
VERSUS
JITENDRA SANDU BHENDALE AND OTHERS**

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Mr. Sonavane Narendra D., Advocate for the Petitioner
Mr. K. S. Patil, AGP for Respondents-State
Mr. Bhise Kalidas Baburao , Advocate for Respondent Nos. 1 to 18

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 26.06.2025

PER COURT :-

. The present writ petition takes exception to order dated 02.11.2023 passed by Tahsildar / Mamlatdar Kannad on Roznama in Rasta Case No.862 of 2023 as well as order dated 12.08.2024 passed by Sub Divisional Officer Kannad District Aurangabad in Revision No.78 of 2024.

2. Mr. N. D. Sonavane, learned Advocate appearing for petitioner invites attention of this Court to application dated 04.05.2023 submitted by respondent Nos.1 to 18. The prayer clause of said application states that existing road has been obstructed by respondent and his family members, such obstruction be removed and preventive action be taken against them.

3. Mr. Sonavane further submits that from contents of said application, it is not discernible that it was filed under Section 5 of

Mamlatdars' Courts Act. However, Panchanama has been drawn in pursuance of said application and eventually impugned order has been passed on Farad sheet / Roznama directing measurements through Deputy Director of Land Records for marking existing road, further Circle Officer, Talathi were to take action.

4. Although petitioner approached Sub Divisional Officer in Revision against aforesaid order, apprehending action against him in pursuance directions given to land record authorities. However, learned Sub Divisional Officer refused to entertain revision application observing that order impugned is not passed under provisions of Section 5 of Mamlatdars' Courts Act.

5. A perusal of application dated 04.05.2023 submitted by respondent Nos. 1 to 18 depicts that nowhere reference to particular provision finds place in application, however, it stipulates about existence of road which has been disturbed by respondent by making encroachment. Petitioner is not party to the said application but panchanama makes reference of land Gut No.62 owned by petitioner. Roznama dated 02.11.2023 shows that directions are given to Deputy Director of Land records to remove obstruction on road without specifications as to obstruction. Further directions are also vague and nothing is discernible from such directions as to exactly which obstruction is to be removed.

6. In this background, it would be just and proper to relegate matter back to Tahsildar to reconsider application dated 04.05.2023 submitted by respondent Nos. 1 to 18, after giving opportunity of hearing to all concerned parties and pass further orders in accordance with law.

7. In result, writ petition is allowed in terms of prayer clause 'A'. The matter is relegated back to respondent No.20, who shall reconsider application dated 04.05.2023 filed by respondent Nos.1 to 18 in accordance with law and pass further orders after giving opportunity of being heard to all concerned parties.

[S. G. CHAPALGAONKAR, J.]

HRJadhav