

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2267 OF 2023

Aasaram Janrao Khedkar And Others

VERSUS

The State Of Maharashtra Through District Collector And Others

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Advocate for the Petitioners : Mr. Andhale Sandip Ramnath

AGP for Respondent/State : Mr. D.R. Korade

Advocate for Respondent Nos.8, 10 & 11 : Mr. A.J. Kanawade

Advocate for Respondent Nos.5, 9 & 15 : Ms. H.M. Kamble

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : AUGUST 07, 2025

PER COURT :-

1. Present petition takes exception to order dated 16.02.2022 passed by learned Tahsildar, Pathardi, District Ahmednagar in Wahivat Case No.59 of 2020, so also order dated 28.11.2022 passed by Sub Divisional Officer Pathardi, District Ahmednagar in RTS Revision No.55 of 2020.

2. This Court while issuing notice to respondents on 23.02.2023 passed an interim order which states as under :

“2. Status-quo as on today be maintained. The petitioners shall not obstruct the respondents for taking their cart to their field. But, there will be no further opening/widening of the road.”

3. The aforesaid interim arrangement is continued time to time.

4. Today, Mr. Andhale, learned advocate appearing for petitioners advanced submissions on merit. However, in view of exposition of law by this Court in case of Vimal w/o Bhausaheb Nabde Vs. Sub Divisional Officer in Writ Petition No.5074 of 2022 along with companion matters, he would submit that petitioners may be granted liberty to file civil suit as observed by this Court and till then, interim protection as granted may be continued.

5. In that view of matter, writ petition stands disposed of with liberty in favour of petitioners to file substantive suit seeking declaration against impugned orders. The petitioners to file such suit within a period of five weeks from today. The interim protection granted earlier shall remain in force for a period of five weeks.

6. After filing of suit, petitioner shall be at liberty to file an application for continuation of interim relief, which shall be considered on its own merit after hearing both sides.

(S.G. CHAPALGAONKAR, J.)