



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

WRIT PETITION NO. 3689 OF 2025

Prabhakar Asaram Kangude,
Sudhakar Asaram Patil.

VERSUS

1. The State Of Maharashtra Through The Its Principal Secretary,
2. The Collector, Collector Office, Beed,
3. Sub-Divisional officer, Georai Division, Beed,
4. Tahsildar, Georai,
5. Genash Sakharam Mote,
6. Pamode Sakharam Mote,
7. Annasaheb Patilba Mote,
8. Kailas Kisan Mote,
9. Bajirao Nivrutti Mote,
10. Subhash Patilba Mote,
11. Laxmikant Narayan Mote,
12. Suman Bhimrao Mote,
13. Maruti Dhondiba Mate,
14. Janardhan Asaram Pandit,
15. Ishwar Asaram Bairagi,
16. Narayan Kisan Kangude.

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Advocate for the Petitioner : Mr. S. V. Natu h/f Mr. Joshi Ajinkya Anand

AGP for Respondents-State: Mr. S. K. Shirshe

Advocate for Respondents No.5 to 16 : Mr. V. D. Salunke a/w Mr. Yogesh K. Bobade

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CORAM : ARUN R. PEDNEKER, J.

Dated : November 24, 2025.

ORDER :-

1. By the present writ petition, the petitioner challenges the concurrent orders passed by the authorities constituted under the Mamlatdar Courts Act, directing the petitioner to remove the obstruction on the road leading to the respondents' fields.

2. This is the second round of litigation between the parties. Briefly stated, the respondents filed an application under Section 5 of the Mamlatdar Courts Act on 22/02/2021 before the Mamlatdar, contending that the petitioner had obstructed the road and seeking removal of such obstruction.

Pursuant to the application, a panchanama was drawn, which recorded that the petitioner had indeed created an obstruction. It was also noted in the panchanama that, when questioned, the petitioner stated that since the road was passing through his land, he had obstructed it. He, however, refused to sign the panchanama. Considering the panchanama and the material placed on record, the Mamlatdar directed removal of the obstruction.

3. The said order was challenged by the petitioner before the Revisional Authority on the ground that the provisions of the Mamlatdar Courts Act had not been followed. The Revisional Authority allowed the revision, set aside the order, and remitted the matter to the Mamlatdar for fresh consideration in accordance with Sections 7 to 12 of the Mamlatdar Courts Act. Upon remand, the respondents filed an application seeking amendment of the original proceedings and amended the application by disclosing the cause of action and complying with the requirements of the Act. The Tahsildar thereafter considered the material afresh and passed an order directing the petitioner to open the road leading to the respondents' farms. Aggrieved by both the orders of the Tahsildar and the Sub-Divisional Officer, the present petition is filed.

4. The learned Counsel for the petitioner submits that when the matter was remitted by the Sub-Divisional Officer, no permission to amend was

granted and, therefore, such amendment ought not to have been permitted. He submits that no opportunity was given to the petitioner to meet the amended case. He further submits that the panchanama was not drawn in his presence and that the Revisional Authority did not consider the documents placed on record. In response, the respondents have filed a reply pointing out that the petitioner was present on two occasions during the panchanama proceedings, but declined to sign. It is specifically noted in the first panchanama that, when questioned, the petitioner stated that since the road passed through his land, he had obstructed it. Photographs are also placed on record. From the panchanama and the attached map, it appears that there exists a road connecting several fields of the respondents through the embankment of the petitioner's land and the land adjacent to it. The obstruction is located at the entry point from the main road. Both the authorities below have recorded concurrent findings that obstruction exists and affects access to multiple farmers.

5. The learned Counsel for the petitioner has relied upon the judgment of this Court in *Ravindra Dadarao Fante & Ors. v. State of Maharashtra & Ors.* (Writ Petition No. 7856 of 2024, decided on 16/06/2025), to submit that an application under the Mamlatdar Courts Act is required to be filed within limitation. He also relies on the decision in *Sanjay s/o Keshav Bhoite & Ors. v. The Collector & Ors.* (Writ Petition No. 6640 of 2022, decided on 26/06/2022), to urge that an application under Section 5 must satisfy the

limitation prescribed.

6. The amended application is in conformity with Section 8 of the Mamlatdar Courts Act, which casts a duty upon the Mamlatdar to ascertain the nature of the grievance and conduct a summary inquiry. **Section 7 to 10** of the Mamlatdar Courts Act reads as under : -

Section 7. Suits commenced by plaint. Contents of plaint :

All suits under this Act shall be commenced by a plaint, which shall be presented to the Mamlatdar in open Court by the plaintiff, and which shall contain the following particulars : —

- (a) the name, age, religion, caste, profession, and place of abode of the plaintiff;
- (b) the name, age, religion, caste, profession and place of abode of the defendant;
- (bb) the nature and situation of the impediment erected and the situation of the lands which are adjacent to each other and the nature of the relief sought;
- (c) the nature and situation of the property of which possession for use is sought, or the nature of the injunction to be granted, as the case may be;
- (d) the date on which the cause of action arose;
- (e) the circumstances out of which the cause of action arose; and
- (f) a list of the plaintiff's documents, if any, and of his witnesses, if any, showing what evidence is required from each witness, and whether such witnesses are to be summoned to attend, or whether

the plaintiff will produce them on the day and at the place to be fixed under Section 14.

Section 8. Informal petitions to be treated as complaints :

Where a petition not in the form of a complaint is presented to the Mamlatdar and the subject matter thereof appears to fall within the scope of section 5, the Mamlatdar shall explain to the person presenting the petition the nature of the reliefs afforded by this Act and shall inquire whether the petitioner desires to obtain relief thereby. If the petitioner expresses a desire so to obtain relief, the Mamlatdar shall endorse the desire on the petition which shall thereupon be deemed to be a complaint presented under section 7.

Section 9. Examination of Plaintiff on oath :

Where the complaint does not contain the particulars specified in section 7 or is unnecessarily prolix, the Mamlatdar shall forthwith examine the plaintiff upon oath and ascertain from him such of the particulars specified in section 7 as are not clearly and correctly stated in the complaint, and shall reduce the examination to writing in the form of an endorsement on or annexure to the complaint which shall thereupon be deemed to be part of the complaint. Where the plaintiff requires time to obtain any of the particulars specified in section 7, the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

Section 10. Complaint to be subscribed and verified :

When the complaint is presented, and has, if necessary, been treated in the manner specified in section 9, the Mamlatdar shall

require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following, or to the like effect:

“I, A. B., the plaintiff, do declare that what is stated in this plaint is true to the best of my information and belief.”

7. It is the duty of the Mamlatdar to treat an application as a pleading and to ascertain the facts necessary for deciding whether obstruction exists. In the present case, after the matter was remitted, the amended application disclosed the cause of action and conformed to the requirements of Sections 7 and 8. The reasons recorded by the authorities show that the application was within limitation. The record also discloses that a complaint was made to the police immediately upon the obstruction, which supports the respondents' claim regarding limitation.

8. The findings of fact recorded by the Mamlatdar in proceedings under the Act are summary in nature and are always subject to any interim or final orders passed by a Civil Court regarding the same subject matter. Since the findings are based on spot inspection and concurrent appreciation of evidence by both authorities below, this Court would be slow to interfere in exercise of writ jurisdiction.

9. In the event the petitioner is aggrieved, he may avail the remedy of filing a civil suit in terms of Section 22 of the Mamlatdar Courts Act. Under

Section 22, any order passed under the Mamlatdar Courts Act stands superseded by the decree or order passed by the competent Civil Court on the same subject matter, and the Civil Court is also empowered to award compensation, if so warranted.

10. Considering the above, the writ petition is dismissed, with liberty to the petitioner to avail appropriate remedy before the Civil Court. If such a suit is filed, the same shall be decided on its own merits, without being influenced by the findings recorded by the authorities under the Mamlatdar Courts Act or by this Court.

11. The Authorities are directed not to implement the impugned orders for a period of three weeks from today, and the interim relief granted today is not on merits. If any suit is filed in the matter, the same shall be decided in accordance with law, without being influenced by any of the observations of this Court.

(ARUN R. PEDNEKER, J.)

vj gawade/-.