



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

WRIT PETITION NO. 40 OF 2025

Vilas Uttamrao Kandure And Others .. Petitioners

Versus

Vijay Dayaram Jadhav And Another .. Respondents

Mr. S. S. Jangada, Advocate for the Petitioners.
Mr. S. B. Chavan, Advocate for Respondent No. 1.
Mr. K. N. Lokhande, AGP for Respondent No. 2.

**WITH
CIVIL APPLICATION NO. 3333 OF 2025
IN WP/40/2025**

Vijay Dayaram Jadhav .. Applicant

Versus

Vilas Uttamrao Kandure And others .. Respondents

Mr. S. B. Chavan, Advocate for the Applicant.
Mr. Mr. S. S. Jangada, Advocate for Respondent Nos. 1 to 3.

CORAM : KISHORE C. SANT, J.

DATED : 16th APRIL, 2025.

P. C. :-

. Heard the parties for some time.

2. This petition is by original respondents before the learned Tahsildar in the proceeding under Section 5 of the Mamlatdars' Courts Act filed by present respondent No. 1. The present respondent No. 1

filed an application on 30.01.2024 to the learned Tahsildar, Jintur. It is stated in the application that, the petitioners have obstructed the road that goes to the filed of respondent No. 1. The learned Tahsildar after holding the panchanama passed an order and allowed the application. The said order came to be challenged by the petitioners in revision. The learned S.D.O. also dismissed the revision and thus the petitioners are before this Court.

3. The learned advocate for the petitioners vehemently argued that, the petitioners were not served with the notice in the proceedings. In the application filed before the Mamlatdar, there is no date of cause of action given. The panchanama shown that the road is obstructed since last 25 years and the same is observed by the learned Tahsildar. He submits that, the learned Tahsildar could not have entertain the application as it was not within limitation. The learned S.D.O. also failed to appreciate this basic fact and rejected the revision.

4. The learned advocate for respondent No. 1 submits that, there is clear finding that, the road is as Pandan road which is obstructed by the petitioners. He submits that, in the panchanama it is clearly stated that the road is blocked by the petitioners and therefore, the learned Tahsildar has rightly passed an order. He prays for dismissal of the writ petition.

5. The learned A.G.P also supports the order.
6. After hearing the parties and looking to the petition this Court finds that, in the application under Section 5(2), there is nothing to show as to when cause of action has arisen. In the panchanama what is stated is that, the road is obstructed since last 25 years. This clearly shows that the application is not within limitation and the same is still entertained by the Mamlatdar.
7. Considering this major aspect this Court is inclined to allow the writ petition. The writ petition, therefore, stands allowed. The impugned judgment and order is quashed and set aside.
8. The writ petition stands disposed of. No order as to costs.
9. The respondent No. 1 is at liberty to avail any other remedy if available under the law.
10. In view of disposal of writ petition, civil application also stands disposed of.

(KISHORE C. SANT, J.)

PS.B.