



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 13455 OF 2025

ANKUSH PARASRAM KALDATE
VERSUS
GAJANAN KAMLAKAR ROHINKAR AND OTHERS

...
Advocate for the Petitioner : Mr. Jadhav Kailas B
AGP for Respondent/State : Mr. S.K. Shirse
...

CORAM : ARUN R. PEDNEKER, J.
Dated : November 12, 2025

PER COURT :-

1. Heard the learned counsel for the petitioner. The matter has chequered history. The orders passed by the authorities were challenged before this Court at earlier point of time. While disposing of the Writ Petition No. 11853/2022 on 10.01.2023, this Court has observed in para 1 and 2 as under :-

"1] The learned counsel for the petitioner submits that the direction was issued by the Tahsildar, Mantha to the petitioner in an application under Section 5 of the Mamlatdar's Courts Act to open the road for Survey No. १५/उ, १५/ए, १५/ए, १५/ओ and १५/उ from the bandh of Gat Nos. 17 and 16 and the Tahsildar also further directed the respondent nos.1 to 5 not to disturb the crops of the petitioner. Due to the direction of the learned Tahsildar, the petitioner is not aggrieved, accordingly, nothing survives in this matter.

2] The learned counsel for the respondent no.2 submits that the order passed by the Tahsildar is implemented in letter and spirit on 11.11.2022."

2. The learned counsel for the petitioner submits that liberty was

granted to the petitioner to apply again to the Mamlatdar if the order is not correctly implemented. As such the petitioner has moved an application before Mamlatdar seeking correct implementation of the order. Mamlatdar by order dated 18.3.2023 has observed that the order is correctly implemented and the petitioner is erroneously interpreting the order of Mamlatdar.

3. Considering the same, this Court would not interfere with the observation made by the Mamlatdar. However, liberty is reserved to the petitioner to file appropriate civil suit before the civil court. Section 22 of the Mamlatdars' Courts Act provides that the orders passed by the civil court qua the same subject matter would have over riding effect over the orders passed by the Mamlatdar or the Revisional Authority under the Mamlatdars' Courts Act.

4. With the above observation, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

ssc/