



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO. 11601 OF 2024

Anusayabai Udhavrao Shelke

VERSUS

The Sub Division Officer And Others

WITH
CIVIL APPLICATION NO. 4562 OF 2025
IN WP/11601/2024

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- Advocate for the Petitioner : Mr. K. S. Solanke
- AGP for Respondent Nos. 1 to 4 : Mr. B. B. Bhise
- Advocate for Respondent Nos. 5 to 22 : Mr. S. K. Chavan

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CORAM : ROHIT W. JOSHI, J.
DATE : JUNE 30, 2025

ORDER :

1. The present petition takes exception to concurrent orders dated 30.01.2024 passed by respondent no. 2 – Mamlatdar/ Tahsildar, which in turn is confirmed vide order dated 23.09.2024 by respondent no. 1- Sub-Divisional Officer in Case No. 2024/Mamlatdar/Revision. The dispute in the matter pertains to alleged road passing through field boundary i.e. *Dhura or Bandh* in between Gat Nos. 337 and 300 of Village Taroda, Tq. & Dist. Parbhani. Vide order dated 31.01.2024, respondent no. 2 has directed the present petitioner to remove obstruction created on the said road. The revision application preferred by the petitioner is also dismissed by the Sub-Divisional Officer.

2. The contention of the learned counsel for the petitioner is that there exists no road over the boundary of the Gat Nos. 337 and 300, as is contended by respondent nos. 3 to 22. He contends that *panchnama* on the basis of the impugned order is passed by the learned Mamlatdar was prepared without notice to the petitioner and therefore, the order is unsustainable. He further contends that there is an alternate approach road, which is available to respondent nos. 3 to 22 for reaching to their respective fields and therefore, the impugned orders are liable to be quashed. These are the only two grounds that have been pressed into service to impugn the aforesaid orders.

3. The learned counsel for the respondent nos. 5 to 22 draws attention to the order passed by the learned Mamlatdar, wherein reference is made to the contention of the petitioner with respect to the notice before drawing this for *panchnama*. Learned Mamlatdar has observed that a notice for spot inspection was duly served on the petitioner, however, she did not remain present contending that she was indisposed and therefore, unable to move out of her house. The learned Mamlatdar has also recorded that apart from formal notice, which was duly served, telephonic communication was also issued, calling upon the petitioner to remain present at site.

4. The learned Sub-Divisional Officer, while rejecting the

revision application has observed that the petitioner had failed to substantiate her contention that she was indisposed by producing any evidence on record in support of her contention. In that view of the matter, the Sub-Divisional Officer has rejected the revision application.

5. Both the authorities have concurrently recorded a finding of fact that there exists a road passing over the field boundary of the Gat Nos. 337 and 300. In that view of the matter, this court finds no jurisdictional error by both the learned authorities warranting interference in exercise of writ jurisdiction.

6. The writ petition is therefore **rejected** with no order as to costs. However, it will be open for the petitioner to approach learned Civil Court for seeking appropriate redress, if so advised. The said civil suit, if filed be decided on its own merits in accordance with law.

7. Civil applications, if any, stand **disposed of**.

[ROHIT W. JOSHI, J.]