



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5187 OF 2024

Kishor Mohan Raut And Others

VERSUS

The State Of Maharashtra Through Its Collector And
Others

- Mr. V. S. Bedre, Advocate for the Petitioners
- Mr. S. N. Kendre, AGP for the Respondent Nos. 1 and 2/State
- Mr. K. N. Shermale, Advocate for the Respondent No. 3

CORAM : R. M. JOSHI, J

DATE : FEBRUARY 11, 2025

PER COURT :

1. This Petition takes exception to the order passed by Additional District Judge – 7, Ahmednagar in Misc. Civil Appeal No. 147/2022 dated 01.03.2023 whereby order passed below Exh. 5 in RCS No. 547/2022 dated 19.10.2022 came to be confirmed.

2. The facts which led to the filing of the Petition can be narrated in brief as under:

The contesting Respondents filed application under Section 143 of the Maharashtra Land Revenue Code for seeking way to access land bearing Gut No. 215. The Petitioner is owner of the land bearing Gut No. 216

admeasuring 19R land. It is his grievance that this land is a small portion of the land only admeasuring 19R land and if the proposed way is allowed to be constructed from the land of the Petitioners, the Petitioners would have only 9R land. Apart from this, on merit also objection is raised to the impugned order by stating that there are two other alternate ways available and the same has not been considered by the Tehsildar.

3. Heard learned Counsels for both sides.

4. Perusal of the order passed by the Tehsildar indicates that three different ways were sought to be ascertained for providing access to the land of the contesting Respondent. Tehsildar has recorded reasons for not accepting the other two ways for the said purpose. *Prima facie* perusal of the said observations read with spot panchnama indicates that the said observations are fully justified. Even if the way is provided from these two roads, one road is not available on account of the road being going through river bed and other is not convenient one. This Court, therefore, finds no reason or justification to call the

said findings as perverse. However, since grievance was made that the Petitioners are likely to lose land to the extent of 10R out of total land, learned AGP was requested to take instructions from the concerned officer as to the manner in which the order of Tehsildar is to be executed.

5. Learned AGP, on telephonic instructions from Shri. Ram Nalawade, Circle Officer, Jeur, makes statement that order of Tehsildar would be executed by a creating road between the bandh of Gut Nos. 215 and 216. The said statement is accepted as an undertaking to this Court. In view of the said statement, grievance of the Petitioner has been taken care.

6. In view of above, Petition is disposed of.

(R. M. JOSHI, J.)