



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1016 WRIT PETITION NO. 5453 OF 2023

MADHAVRAO SHANKARRAO NAGURE AND OTHERS
VERSUS
HARIBA GANPATI POWADE AND OTHERS

...
Advocate for the Petitioners : Mr. Gunale Vishwamber Digamberrao
AGP for Respondents/State : Mr. R.B.Dhaware
Advocate for Respondent Nos. 1 to 6 : Mr. Jagtap Amol T.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 16.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. The petitioners are challenging the dated 27.03.2023 passed by Sub Divisional Officer, Nilanga in Revision No. 2021/ROR/A-109, whereby the revision filed by respondent Nos.1 to 6 came to be allowed.
3. The Respondent Nos. 1 to 6 had filed an application under Section 5 of the Mamlatdar's Courts Act, 1906 before the Tahsildar with a prayer that there was a path way in existence in Gut No.102. Pursuant to the application the panchanama was carried out by the Revenue Authorities which revealed that the path way was in existence. Even the petitioners had not objected the same and they are permitted to use the said path way which was already in existence. He further submits that there was no any road in existence from Survey No.101. Therefore, the learned Tahsildar rejected the application though there was path way from gut No. 102. A Revision Petition was filed by respondent Nos. 1 to 6

and the same was allowed.

4. I have gone through the order passed by the Sub Divisional Officer, it reveals that the Sub Divisional Officer has recoded findings that the panchanama shows that path way was in existence. Therefore, I find no reason to interfere with the said order. But Clause-3 of the operative part of the said order contains the word "Wahiwati Rasta", whereas, the panchanama reveals only a "Paul Wat". In view thereof, the Clause-3 of the operative part of the order passed by the Sub Divisional Officer is modified to the extent of substituting the word "Paul Wat Rasta" for "Wahiwati Rasta".

5. In view thereof, the Writ Petition is disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

mahajansb/