



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1024 WRIT PETITION NO. 7274 OF 2023

ASHOK RAMCHANDRA KHAPIL AND OTHERS
VERSUS
UTTAM BABURAO KHAPIL AND OTHERS

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Advocate for the Petitioners : Mr. Dhage Babasaheb V.

AGP for Respondents/State : Mr. V.S.Badakh

Advocate for Respondent Nos. 1 & 2 : Mr. Mahajan Sandeep Y.

Advocate for Respondent No. 3 : Mr. Salgare Vitthal G.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 17.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of the present petition, the petitioners are assailing the order dated 31.12.2021 passed by the Additional Tahsildar Ahmednagar in Wahiwati Dawa/SR/11/2021 whereby, the Tahsildar allowed the application filed by respondent Nos. 1 to 3. The order of Tahsildar was confirmed by order dated 10.02.2023 passed by the Sub Divisional Officer, Ahmednagar in RTS Revision Application No. 76 of 2022.
3. Learned Counsel for the petitioner Mr. Dhage, submits that the panchanama was not carried on in accordance with the factual situation. In fact, in panchanama did not reveal on which boundary or Bandh, the road was in existence and the learned Tahsildar and the learned Sub Divisional Officer failed to consider this material aspect. He

further submits that respondent Nos. 1 to 3 were having alternate road, yet another road was given through petitioner's land. The road given to the respondents was not in existence, therefore, the authorities ought not to have considered the application whereby the respondents were claiming both the Pathways.

4. Per Contra, learned Counsel Mr. Mahajan, for the respondent Nos. 1 & 2, Mr. Salgare, learned counsel for respondent No. 3 and learned AGP Mr. Badakh supports the order passed by the authorities.

5. Pursuant to the application filed by respondent Nos. 1 to 3 under Section 5 of the Mamlatdar's Courts Act, 1906, the Tahsildar directed the revenue authorities to conduct the spot inspection and thereafter report was submitted.

6. After going through the panchanama it reveals that the road was in existence, which was already used as customary road and even the Tahsildar has pointed out that there was obstruction at the hands of petitioner, therefore, considering the panchanama the Tahsildar has passed an order thereby allowing the application filed by the respondents, which was also confirmed by the Sub Divisional Officer.

7. Considering the above, I do not find any reason to interfere with the order dated 31.12.2021 passed by the Additional Tahsildar Ahmednagar in Wahiwati Dawa/SR/11/2021 and dated 10.02.2023 passed by the Sub Divisional Officer, Ahmednagar in RTS Revision Application No. 76 of 2022 under Article 227 of the Constitution of India.

8. In view of thereof, the Writ Petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)

mahajansb/