



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7402 OF 2025

LOKESH KANTILAL GUNWARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Vijay Prabhakar Rao Latange, Advocate for the Petitioners.

Mr. S. P. Joshi, AGP for Respondents-State.

Mr. Prashant N. Khedkar, Advocate for Respondent No.4.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 01st JULY, 2025.**

P.C.:-

1. The respondent nos.4 to 11 filed application under Section 5(2) of Mamlatdar's Courts Act before learned Tahsildar, Ahmednagar alleging that they have land in Gut No.49. However, their access way has been obstructed by respondent no.12 to 22. The learned Tahsildar after considering rival contentions, allowed application vide order dated 09.11.2022 and directed that obstruction created in Gut No.49 to users of way that passes from Gut Nos.49, 50, 51, 53, 37 and 29 shall be removed and access be cleared.

2. The aforesaid order was challenged by petitioners before Sub Divisional Officer at Parner alongwith application for delay condonation. However, learned Sub Divisional Officer rejected Revision Application vide its order dated 16.05.2025 upholding order as passed by learned Tahsildar.

3. Mr. Latange, learned Advocate appearing for petitioners submits that proceeding was filed before Tahsildar in Rasta Case No.403/2020, but petitioners were not made party. The petitioners holds their land in Gut No.37. In pursuance to the order of Tahsildar, there is apprehension that respondents would enter in land Gut No.37 and create road.

4. Perusal of order dated 09.11.2022 passed by learned Tahsildar in Rasta Cast No.403/2020 shows that it has been passed on contention that existing road has been obstructed in Gut No.49, eventually, directions are given to remove such obstruction. Admittedly, petitioners are not land holders from Gut No.49. The relief granted by learned Tahsildar shall not prejudice rights of petitioners. However, if petitioners have apprehension that under garb of execution of order of learned Tahsildar, road is likely to be created from their land from Gut No.37, it would be open for them to take up appropriate remedy as permissible under law including filing of Civil Suit.

5. In that view of the matter, there is no merit in Writ Petition and same is dismissed with liberty in favour of petitioners to avail appropriate remedy as permissible under law.

(S. G. CHAPALGAONKAR)
JUDGE