



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

WRIT PETITION NO. 7608 OF 2025

**NARAYAN DNYANOBA VARALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr. Patil Nileshsingh J, Advocate for the Petitioner
Mr. P. D. Patil, AGP for Respondents-State

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.07.2025

PER COURT :-

1. Heard learned Advocate appearing for petitioner.
2. Petitioner is owner of portion of land from Gut No.152. Respondent No.5 instituted proceeding under Section 5 of Mamlatdars' Courts Act claiming that he owns portion of land in Gut No.152. He has approach road from Gut No.151 and 153. However, land holders from Gut No.151 obstructed way. Accordingly he sought removal of such obstruction. By order dated 10.04.2023, learned Tahsildar allowed application and directed that approach road passing from Gut No.151 to enter applicants land in Gut No.152, shall be cleared by removing obstruction.
3. Learned Advocate appearing for petitioner submits that petitioner has land in Gut No.152 and under the garb of removing obstruction in Gut No.151, his land from Gut No.152 is sought to be encroached and new way is sought to be created.

4. Learned Advocate for petitioner further submits that he has already filed Revision before Sub Divisional Officer against order dated 10.04.2023 passed by learned Tahsildar. Even after filing present writ petition, he filed an application before Sub-Divisional Officer seeking stay to the execution of order of Tahsildar, but same is not considered.

5. Having considered submissions advanced, it can be observed that learned Tahsildar in exercise of jurisdiction under Section 5 of Mamlatdars' Court Act directed removal of obstruction created in Gut No.151. Petitioner raises apprehension that under garb of said order, respondents are likely to enter in portion of his land from Gut No.152 and create new way. Apparently, such apprehension is unfounded. The order passed by learned Tahsildar is specific and it relates to removal of obstruction in Gut No.151. Therefore, order would not affect right of petitioner in respect of Gut No.152.

6. In this background, there is no reason to entertain present writ petition, particularly when substantive revision filed by petitioner before Sub Divisional Officer is pending. However, it is made clear that in case petitioner has any apprehension of encroachment upon his land from Gut No.152, he shall be entitled to exhaust alternate remedies, if so advised.

7. In that view of the matter, writ petition stands **dismissed**.

[S. G. CHAPALGAONKAR, J.]