



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1032 WRIT PETITION NO. 7751 OF 2023

BALWANT PUNJA GAGARE AND ANOTHER
VERSUS
THE SUB DIVISIONAL OFFICER AND OTHERS

...
Mr. Vivek V. Tarde – Advocate for Petitioners
Mr. V.S. Badakh – AGP for Respondent Nos.1 and 2, State
Mr. Rahul R. Karpe – Advocate for Respondent Nos.3 and 4
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 19.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. By way of the present petition, the petitioners are challenging the order dated 16.06.2022 passed by the Tahsildar, Rahuri, Tq. Rahuri, Dist. Ahmednagar, in Rasta Case No.75/2021 under Mamlatdar's Courts Act, 1906 (for short 'the Act'), which came to be confirmed by the order dated 12.04.2023 passed by the Sub-Divisional Officer, Shrirampur Division, Tq. Shrirampur, Dist. Ahmednagar in Revision Application No.238 of 2022.
3. Respondent Nos.3 and 4 had filed an application under the provisions of the Act. Pursuant thereto, the Tahsildar called for a report from the concerned Revenue Officer and a panchanama was drawn in the presence of all concerned. Upon consideration of the said report and

panchnama, it was revealed that there was an existing road and that the same was obstructed. Accordingly, the Tahsildar allowed the application filed by respondent Nos.3 and 4. The said order passed by the Tahsildar was challenged before the Sub-Divisional Officer. The Sub-Divisional Officer upon due consideration confirmed the findings recorded by the Tahsildar.

4. In view of the concurrent findings recorded by both the authorities below holding that there was obstruction to the existing road, I do not find any perversity and illegality in both the orders warranting interference with the order dated 16.06.2022 passed by the Tahsildar, Rahuri in Rasta Case No.75/2021 and order dated 12.04.2023 passed by the Sub-Divisional Officer, Shrirampur Division in Revision Application No.238 of 2022 under Article 227 of the Constitution of India.

5. In view thereof, the Writ Petition stands dismissed. There shall be no order as costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE