



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

53 WRIT PETITION NO. 8181 OF 2023

Kantilal Hari Hirde And Others

VERSUS

The State Of Maharashtra Through Its Collector Ahmednagar
And Others

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Advocate for the Petitioner : Ms M.V. Narwade h/f Mr. V.P. Narwade

AGP for Respondents: Mr. P D Patil

Advocate for Respondents 4-7 : Mr. R R. Karpe

CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 10, 2025

PER COURT :-

1. The petitioners impugn the order passed under section 5 (2) of the Mamlatdar Courts Act, which has been confirmed by the S.D.O. in revision.

2. Learned counsel appearing for petitioners submits that the petitioners holds an agricultural land in gat no.4 whereas private respondents are holding their lands in gat nos.3/3 and 3/4. Petitioners filed an application before the learned Tahsildar under the provisions of Mamlatdar Courts Act for removal of obstruction created by respondent in use of way which passes from land gat no.3/3 and 3/4, however, learned Tahsildar refused to entertain petitioners application on erroneous counts. She would further submits that even the S.D.O. rejected revision application of petitioners without application of mind.

3. Per contra, Mr. Karpe, learned counsel appearing for respondent nos. 4 to 7 supports the impugned order.

4. Perusal of the impugned order shows that petitioners have claimed existence of approach way which passes from midst of land of respondents. Learned Tahsildar has drawn a spot panchnama. However, existence of way, as claimed by the petitioners could not be noticed at the spot. The petitioners have not recorded any evidence in support of their contentions or to establish existence of way. The learned S.D.O. while rejecting revision filed by petitioners specifically observed that petitioners are in fact claiming a new approach road from lands of respondents, which cannot be allowed.

5. In that view of the matter, there is no substance in the writ petition. Writ Petition stands **rejected**.

(S. G. CHAPALGAONKAR)
Judge

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