



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

WRIT PETITION NO. 9449 OF 2025

BAPU MANIK PATIL AND OTHERS

VERSUS

THE SUB DIV. OFFICER PACHORA AND OTHERS

...

Mr. Madake Datta A., Advocate for the Petitioner

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

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 06.08.2025

PER COURT :-

1. The present writ petition takes exception to order dated 04.07.2025 passed by learned Sub-Divisional Officer, Pachora in R.T.S/ Vahivat/ Revision/ Appeal No.56/2024, thereby upholding judgment and order dated 26.07.2024 passed by learned Tahsildar, Bhadgaon in Vahivat Case No.24 of 2023.

2. Mr. D. A. Madake, learned Advocate appearing for petitioners endeavours to point out that impugned order is contrary to the provisions of Mamlatdars' Courts Act. It ignores contents of panchanama drawn by learned Tahsildar during pendency of proceeding under Section 5 of Mamlatdars' Courts Act.

3. This Court, in writ petition No.5074 of 2022 and other connected matters, in case of ***Vimal W/o Bhausaheb Nabde Vs. The Sub Divisional Officer & Others***, took a view that remedy of challenging order under Mamlatdars' Courts Act is before Civil Court,

where entire controversy can be resolved finally. Looking to the controversy, raised before this Court, which requires detailed scrutiny of record and re-appreciation of evidence, it would be appropriate for petitioner to approach Civil Court by filing suit seeking declaration against the impugned order.

4. At this stage, Mr. Madake submits that there is apprehension that order passed by learned Tahsildar may be implemented when there are standing crops of petitioner at site from where way is granted under the order of learned Tahsildar. He would, therefore, urge that limited protection be granted to petitioner.

5. In that view of the matter, writ petition is **disposed of** with liberty in favour of petitioner to file suit before Civil Court seeking declaration against impugned order within a period of four (04) weeks from today.

6. Till filing of such suit or for a period of four (04) weeks from today, execution and effect of order passed by learned Tahsildar/Mamlatdar shall be kept in abeyance. If petitioner files an application for injunction along with suit, Civil Court shall consider the same on its own merits.

[S. G. CHAPALGAONKAR, J.]