



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 9998 OF 2025**

SANDIP BHASKAR NEHATE
VERSUS
PRABHAKAR MADHAV KOLHE AND ANOTHER

...
Mr. Ajit Manohar Gholap, Advocate for the Petitioner.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 11th AUGUST, 2025.

P.C.:-

1. Heard Mr. Gholap, learned Advocate appearing for petitioner.
2. The present petition takes exception to order date 07.05.2025 passed by Sub Divisional Officer, Bhusawal in Wahiwat/Revision/118/2024, thereby upholding judgment and order dated 14.03.2024 passed by Tahsildar, Bhusawal in Wahiwat Case No.5/2023, by which application filed by respondents under Section 5 of Mamlatdar's Courts Act is allowed.
3. Mr. Gholap, learned Advocate endeavours to invite attention of this Court to part of village map showing location of alleged suit road. He would try to impress upon this Court that respondents are claiming road from land of petitioner, which was never in existence.
4. On, *prima facie*, consideration of impugned order, it can be observed that there are many disputed questions of facts and law.

This Court in case of *Vimal W/o. Bhausaheb Nabde Vs. Sub Divisional Officer, Ahmednagar* in *Writ Petition No.5074/2022* and companion matters dated *04.08.2025* observed that in such cases remedy of civil suit is available in order to challenge order passed under Mamlatdar's Courts Act. The said remedy is more meaningful for effective adjudication of suit. Apparently, in present case also dispute can be more effectively dealt with by Civil Court after considering submissions of parties and permitting them to lead evidence.

5. In this background, this Court is not inclined to entertain writ petition, however, deems fit to grant liberty in favour of petitioner to file substantive civil suit before jurisdictional Civil Court, thereby seeking declaration against impugned order. The petitioner may file such suit within six weeks from today.

6. Till then, operation and implementation of impugned order shall be kept in abeyance. The petitioner shall be at liberty to file application in suit for appropriate interim relief. If such application is filed, it be considered on its own merits after giving opportunity of hearing to all concerned.

7. In view of the above, Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE