



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

WRIT PETITION NO. 9769 OF 2025

**VIDYA SHIVNATH ANDHALE
VERSUS
THE SUB DIV. OFFICER PAITHAN AND OTHERS**

...

Mr. Mane Dhananjay A, Advocate for the Petitioner
Mr. K. B. Jadhavar, AGP for Respondents-State

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 06.08.2025

PER COURT :-

1. Heard Mr. Dhananjay Mane, learned Advocate appearing for petitioner.
2. The present writ petition takes exception to order dated 16.05.2025 passed by learned Sub Divisional Officer, Paithan-Phulambri in Appeal/ROR/CR-2024/5, to the extent of modification introduced in the order of Tahsildar.
3. According to Mr. Mane, learned Tahsildar had passed order granting way in favour of respondents from Eastern side of land gut No.143, which passes in south-North direction. He submits that Sub-Divisional Officer, in exercise of jurisdiction under Section 23(2) of Mamlatdars' Courts Act, modified order passed by learned Tahsildar and granted way from western side of land gut No.143. According to Mr. Mane, no such way was in existence as per panchanama. He submits

that order passed by learned Sub-Divisional Officer is contrary to record hence caused great prejudice to petitioner.

4. This Court, in writ petition No.5074 of 2022 and other connected matters in case of ***Vimal W/o Bhausahab Nabde Vs. The Sub Divisional Officer & Others***, took a view that in case of orders passed by Mamlatdar, remedy for challenging such orders is before Civil Court, same is more meaningful, as entire controversy can be resolved finally.

5. In light of aforesaid exposition of law, Mr. Mane submits that petitioner may avail such remedy by filing civil suit. However, he prays that interim protection be granted until filing of suit.

6. In view of aforesaid submissions, writ petition is **disposed of** with liberty in favour of petitioner to file a suit seeking declaration against impugned order. The petitioner may file such suit within a period of six (06) weeks from today.

7. Till filing of suit / or six weeks whichever is earlier, there shall be interim relief in terms of prayer clause 'D'.

8. Immediately after filing suit, petitioner may apply for continuation of interim relief before Civil Court. If such application is filed, the same shall be considered on its own merits.

[S. G. CHAPALGAONKAR, J.]