



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

931 WRIT PETITION NO. 10748 OF 2025

CHITRA ARUN KULKARNI AND OTHERS  
VERSUS  
THE SUB DIV. OFFICER AND OTHERS

...  
Advocate for the Petitioner : Mr. Rahul R. Karpe  
AGP for Respondent/State : Mr. P.D. Patil  
...

CORAM : ARUN R. PEDNEKER, J.  
Dated : September 03, 2025

**PER COURT :-**

1. Heard the learned counsel for the petitioners. By way of present writ petition, the petitioners are challenging the concurrent orders passed by the authorities i.e. order dated 17.7.2025 passed by the Sub Divisional Officer, Ahilyanagar Division, Ahilyanagar and order dated 5.6.2022 passed by Tahildar, Newasa, Dist. Ahilyanagar under the Mamlatdars' Courts Act, granting right of way and directing the petitioners to remove the obstruction.

2. Findings on facts are recorded by the authorities in a proceeding of summary nature and based on the spot inspection. Any interim or final order passed by the authorities constituted under Mamlatdars' Courts Act would be subject to interim or final orders passed by the civil court qua the same subject matter. Section 22 of the Mamlatdars' Courts Act also provides that in the event any wrongful road has been granted to the applicant in a proceeding under Mamlatdars' Courts Act, the aggrieved side can claim damages in civil suit. Considering that the findings are summary in nature, this Court under Article 226/227 of the Constitution of

India would not re-examine the same i.e. concurrent findings of facts of the authorities below. The petitioner is at liberty to approach the civil court to seek such remedy as may be available in law by filing appropriate proceedings.

3. The learned counsel submits that in the event the impugned orders are implemented before filing of the civil suit, the proceedings before the civil court would be seriously hampered. Considering this submission, authorities constituted under the Mamlatdars' Courts Act shall not implement the impugned orders, if already not implemented, for the period of three weeks from today so as to enable the petitioners to approach the civil Court.

4. I have not issued notice to other side as it would consume further time. Liberty is reserved to the respondents to approach this Court for recall of this order if they are aggrieved. It is made clear that the present order is not made on the merits of the matter.

5. In the event, such civil proceeding is filed before the civil court, the civil court would determine the same without being influenced by the observations made by this Court or by the authorities constituted under the Mamlatdars' Courts Act.

6. With the above directions, the writ petition is disposed of.

( ARUN R. PEDNEKER, J. )

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