



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 WRIT PETITION NO. 9965 OF 2025

Ganesh Vinayakrao Deshmukh And Another

VERSUS

The State Of Maharashtra Thorough Revenue Ministry And
Others

...

Advocate for Petitioners : Mr. Kakde Vishal Sanjay

AGP for Respondents: Mr. S.P. Joshi

CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 14, 2025

PER COURT :-

1. The petitioners takes exception to the order dated 13.01.2023 passed by the Mamlatdar under section 5 of the Mamlatdars' Courts Act, which is confirmed by the S.D.O. in Revision Application no.197 of 2023 by the impugned order dated 24.2.2025.

2. Petitioners are respondents in Rasta Case No.2022/Jama-1/Kavi-495. Learned Tahsildar allowed application filed by respondent no.4 and granted cart-way in gat no.76 owned by petitioners. Order passed by Mamlatdar is confirmed by the S.D.O. in Revision Application filed under section 23 (2) of the Act.

3. This Court in case of **Vimal Bhausaheb Nabde Vs. The Sub-Divisional Officer and others in Writ Petition No.5074 of 2022** observed that remedy of challenging the orders passed by the Mamlatdar before the Civil Court is more meaningful where entire controversy can be resolved. Therefore, when grounds pertaining to non-compliance with the provisions of the Act, principles of natural justice and error of jurisdiction, issues pertaining to disputed questions of facts are raised in the petition, it is advisable to relegate the matter to the jurisdiction of the Civil Court, who can elaborately dealt with all the issues.

4. In view of the aforesaid exposition of law passed by this Court, present writ petition is **disposed of**, with liberty in favour of petitioners to approach jurisdictional Civil Court seeking declaration against the impugned order. The petitioners shall be at liberty to file the suit within a period of one month from today. The operation and implementation of the order shall **remain in abeyance** for a period of one month from today.

5. If petitioners files a suit within the aforesaid period alongwith an application for interim injunction, that shall be considered expeditiously on it's own merits.

(S. G. CHAPALGAONKAR)
Judge

...

aaa-