



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

**42 WRIT PETITION NO. 3394 OF 2022**

MOHAN VISHNU WAGHMODE AND OTHERS

**VERSUS**

THE SUB DIVISIONAL OFFICER AND OTHERS

...

Mr. S.P. Salgar h/f. Mr. Niteen V. Gaware – Advocate for Petitioners

Mr. V.S. Badakh – AGP for Respondent Nos.1 and 2, State

Mr. A.D. Ostwal – Advocate for Respondent Nos.3 to 5

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**CORAM : SIDDHESHWAR S. THOMBRE, J.**

**DATE : 08.12.2025**

**PER COURT :**

1. Heard learned Counsel for the respective parties.
2. By way of the present petition, the petitioners are challenging the order dated 29.06.2020 passed by respondent No.2, Tahsildar, Ahmednagar, in Case No.12/2019, whereby the application filed by the petitioners was rejected. The same came to be confirmed by the Sub-Divisional Officer, Ahmednagar, by its order dated 08.06.2021 passed in Revision No.10/2020.
3. Learned Counsel for the petitioners submits that in the year 2019, the petitioners filed an application under the Mamlatdars' Courts Act, 1906, on the ground that there was a pathway in existence and obstruction was caused to it from Gat No.69. Pursuant to the said application, the revenue authorities inspected the spot and noted that a road was in existence. However, the learned Tahsildar, relying upon the

village map and the panchnama, held that there was no obstruction and rejected the application. He further submits that both the authorities have committed an apparent error on the face of the record. Despite the village map indicating the existence of a road, the authorities have failed to consider the same properly and thus committed an error by ignoring the material on record.

4. Per contra, learned A.G.P. and learned Counsel for the respective respondents submit that as per the spot inspection and observations recorded by the revenue officers, though a road/*panand* was noted, no obstruction was found. It is further submitted that the petitioners have an alternative access road and therefore no interference is warranted.

5. I have gone through the orders passed by the learned Tahsildar and the learned Sub-Divisional Officer. After considering the panchanam, I find that there is a specific observation by the revenue authorities regarding the existence of a road/*panand*. The cause of action pertains to an alleged obstruction, which appears to have occurred subsequently and was required to be considered independently.

6. More particularly, when the village map placed on record indicates the existence of a road, the matter requires fresh consideration. Hence, the proceeding deserves to be remanded to the Tahsildar for a fresh decision thereon.

7. In view thereof, the Writ Petition is partly allowed. The order dated

29.06.2020 passed by respondent No.2, Tahsildar, Ahmednagar, in Rasta Case No.12/2019, and the order dated 08.06.2021 passed by the Sub-Divisional Officer, Ahmednagar, in Revision No.10/2020, are quashed and set aside. The matter is remanded to the Tahsildar for fresh decision in accordance with law.

8. The Tahsildar shall issue notice to all concerned, obtain a fresh spot inspection report from the Revenue Officer and thereafter pass an appropriate order in accordance with law.

9. All points are kept open.

10. Both parties shall appear before the Tahsildar on 15.12.2025 without further notice. In case the Tahsildar finds any other interested persons to the proceeding, appropriate notice shall be issued to them.

11. The entire exercise shall be completed within a period of three (3) months from today.

**[ SIDDHESHWAR S. THOMBRE ]**  
**JUDGE**