



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

913 WRIT PETITION NO.10216 OF 2025

**APRUKBAI GANPAT PATIL THROUGH POA
RUSHIKESH CHANDRAKANT PATIL & ANOTHER
VERSUS
VINOD TARACHAND JAIN AND OTHERS**

...
Advocate for the petitioners : Mr.P.S.Chavan
AGP for Respondent-State : Mr.P.D.Patil
Advocate for Respondent nos.1 to 3 : Mr.A.A.Fulfagar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 21.08.2025

P.C. :

1] The learned counsel for the respondents relies upon the order dated 04.08.2025 passed by this Court in Writ Petition Nos. 5074/2024 [Vimal Bhausaheb Nabde Vs. Sub Divisional Officer] along with connected writ petitions and more particularly at para nos.50 and 51 of the said judgment, as noted below :

50. ... the question that is being decided pertains to existence of alternate remedy of filing of civil suit, it must be reiterated that even in the light of *Mangalabai and Baban* on which the petitioners have placed strong reliance, the petitioners can be relegated to the remedy of filing civil suit in as much as once the matter is decided by the civil court on merits, the order passed either under Section 5 or Section 23 of the Act shall automatically be

inoperative. This a person aggrieved by order passed by authorities under the Act can get rid of the same by filing a civil suit and seeking adjudication of the subject matter on merits.

51. In view of the aforesaid, it needs to be held that the remedy of filing a civil suit is an adequate alternate remedy and rather a more efficacious remedy for challenging the orders passed by Mamlatdar or Collector under the provisions of the Mamlatdars' Courts Act. The civil court has the jurisdiction to decide correctness or otherwise of the order passed by authorities under the Act. Likewise even in the absence of challenge to the orders passed by the authorities under the Act, the party aggrieved by the order can file a substantive civil suit and get rid of the orders by establishing the case on merits and obtaining a decree contrary to the adjudication of the dispute by the authorities under the Act.

2] The learned counsel for the respondents further submits that in view of the above judgment, alternate remedy is available to the petitioner, as such, the present writ petition may not be entertainable.

3] In view of the submissions and the judgment of this Court in the case of *Vimal Bhausaheb Nabde [cited supra]*, liberty is granted to the petitioner to approach the Civil Court and to seek remedy as may be available in law.

4] Since liberty is granted to the petitioner to approach the Civil Court, status-quo as of today be maintained for a period of four weeks. However, it is made clear that the status quo granted today is not on merits and in the event the petitioner approaches the proceedings

before the Civil Court, the Civil Court may decide the same on its own merits without being influenced by the observations made by this Court or the order passed by the authorities constituted under the Mamlatdars' Courts Act.

5] With the above observations, the Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC