



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO. 10616 OF 2025

PARVATIBAI BABASAHEB UGALMUGALE AND OTHERS
VERSUS
PANDURANG CHINAKU BUCHUDE AND OTHERS

...
Advocate for the Petitioner : Mr. Shekade Shashikant E
AGP for Respondent/State : Mrs. R.R. Tandale
Advocate for Respondent 1 : Mr. V.V. Tarde
...

CORAM : ARUN R. PEDNEKER, J.

Dated : August 26, 2025

PER COURT :-

1. Liberty is granted to make State as a party respondent. Amendment be carried out forthwith.
2. Heard. By the present writ petition the petitioners challenge the orders dated 17.7.2025 passed by the Sub-Divisional Officer, Shrirampur in Revision Application No. 84/2025 and the order dated 24.1.2025 passed by the Assistant Tahsildar, Rahuri in Rasta Case No. 19/2024. By the impugned orders, the authorities below have held that the petitioners have obstructed the road of the respondents and as such, directed to open the road.
3. The learned counsel for the petitioners submits that there is no road or easementary right at all to the respondents and seeks to quash the impugned orders.
4. Considering the submissions, it appears that the issue decided by the authorities above is summary in nature and this court would not go into the merits of the case as the concurrent findings are from summary proceeding. However, in view of provision of section 22 of the Mamlatdars'

Courts Act, liberty is reserved to the petitioners to approach the Civil Court as the orders of the Civil Court would supersede the orders made by the Mamlatdar and the petitioners can adjudicate their rights before the Civil Court.

5. The learned counsel for the petitioners submits that execution proceedings are filed and as such, impugned orders may not be implemented for the period of three weeks so as to enable to petitioners to approach the civil court.

6. Considering the above, the above impugned orders shall not be implemented for the period of three weeks from today. However, it is made clear that implementation of the impugned orders is stayed not on merits, but only to enable the petitioners to approach the civil court. In the event, the petitioners approach the civil Court, the civil court may decide the same in accordance with the provisions of law and not being influenced by the orders of this Court or the orders of the Mamlatdar's Court. The learned AGP to intimate this order to the concerned.

7. The writ petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/