



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

WRIT PETITION NO. 11946 OF 2022

Sanjay Bhavrao Deore (Patil)
Age: 52 years, Occu: Agri,
R/o: Mukti, Tq. & Dist. Dhule

.....PETITIONER
(Original Respondent)

VERSUS

1. The State of Maharashtra
Through Tahsildar at Dhule,
2. The – Sub Divisional Officer,
At Dhule,
3. Suklal Lakadu Badgujar,
Age: Major, Occu.: Agri.
4. Anusaya Pandit Badgujar,
Age: Major, Occ: Household.
5. Sahebrao Lakadu Badgujar,
Age: Major, Occu: Agri.
6. Bhalchandra Lakadu Badgujar,
Age: Major, Occu: Agri.
All are R/o: Mukati, Tq.& Dist. Dhule.

.....RESPONDENTS
(Original Applicants)

Mr. A. D. Sonar, Advocate for the Petitioner
Mr. R. D. Raut, AGP for Respondents-State
Mr. M. M. Shah, Advocate for Respondent no.3 to 6

CORAM : ROHIT W. JOSHI, J.
DATED : 13TH AUGUST, 2025

ORAL JUDGMENT :-

. Present Writ Petition is filed challenging order dated 26.08.2021, passed by the learned Tahsildar, Dhule, acting as Mamlatdar under the provisions of the Mamlatdars' Courts Act, 1906, whereby, in exercise of powers under Section 5(2), of the Act, order of removal of obstruction of a road is passed against the present petitioner and the order dated 10.03.2022, passed by the learned Sub Divisional Officer rejecting Revision Application preferred by the petitioner against the said order under Section 23(2) of the said Act.

2. This Court has taken a view in judgment dated **04.08.2025**, in the matter of ***Vimal Bhausaheb Nebde Vs. Sub Divisional Officer***, reported in ***2025 DGLS (Bom.) 2294***, that filing of a Civil Suit is not only an equally efficacious remedy, but in fact a more appropriate remedy for deciding disputes with respect to roads under the provisions of the Mamlatdars' Courts Act.

3. The learned Advocate for the petitioner states that in the present case, the first order impugned is passed on 26.08.2021 and therefore, if now the petitioner is relegated to

the remedy of filing Civil Suit, the Civil Suit will be dismissed on the ground of limitation. The order dated 26.08.2021, was assailed in revision, which was decided on 10.03.2022. The first order dated 26.08.2021, has merged with the subsequent order dated 10.03.2022. Doctrine of merger, as it applies to appeals, also applies to revisions as has been held by the Hon'ble Supreme Court in the matter of ***Shankar Ramchandra Abhyankar Vs. Krishnaji Dattatreya Bapat***, reported in ***(1969) 2 SCC 74***. The limitation will therefore have to be computed from 10.03.2022. Needless to mention that period spent in obtaining certified copy will also have to be excluded. It needs to be mentioned that the present petition is filed on 06.10.2022. Period spent in prosecuting the present petition will also have to be excluded in view of Section 14 of the Limitation Act, 1963. Thus, the apprehension expressed by the learned Advocate for the petitioner that the Civil Suit will be dismissed on account of limitation is misconceived. Having regard to the law laid down in the matter of ***Vimal Bhausaheb Nebde (supra)***, in the considered opinion of this Court, it will be appropriate that the petitioner avails of the alternate remedy of filing Civil Suit.

4. Writ Petition is dismissed in view of alternate remedy of filing Civil Suit which is available to the petitioner. Civil Suit, if filed, may be decided on its own merits in accordance with law.
5. Even if the impugned orders are not challenged, the same will cease to operate if the controversy forming subject matter before the authorities is finally decided by Civil Court in favour of petitioner.
6. Civil Application, if any, stands disposed of.

(ROHIT W. JOSHI, J.)