



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 13013 OF 2022

Sakhahari Namdeo Mundhe & othersPetitioners

VERSUS

The State of Maharashtra & othersRespondents

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Mr. R. P. Adgaonkar, Advocate for the Petitioners.

Mr. N. D. Raje, AGP for the State.

Mr. Sanket Kulkarni, Advocate holding for Mr. V. U. Rathod, Advocate
for Respondent Nos. 4, 6 and 7.

CORAM : R. M. JOSHI, J.

DATE : 28th MARCH, 2025.

PER COURT :

1. Learned counsel for both sides are heard substantially.
2. During the course of hearing, learned counsel for Petitioners, on instructions, makes a statement that the Petitioners do not dispute the existence of footway from the subject land. Petitioners however, dispute 8 ft. wide road sought to be provided by the Tahsildar under impugned order. He makes a further statement that if the impugned order is set aside to the extent of the width of the road and the proceedings are relegated back to the Tahsildar for deciding the the issue only in respect of width of the way, such order

may be passed. He further submits that in case order of remand is passed, the Tahsildar be directed to serve notice to all the parties concerned before passing any order.

3. Learned counsel for contesting Respondents records consent for this.

4. In view of above, impugned order is set aside only to the extent of width of the way directed by the Tahsildar in impugned order dated 05.09.2022. The proceedings are relegated back to the Tahsildar only for the purpose to decide contentions of rival parties regarding width of the way and not for any other purpose. The Tahsildar to issue notice to all the parties before taking up application for hearing. Petitioners and contesting Respondents agree to appear before the Tahsildar on 07.04.2025. Hence, no fresh notice be issued to them.

5. In view of above, petition stands disposed of.

(R. M. JOSHI)
Judge