



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

967 WRIT PETITION NO. 15361 OF 2023
WITH
CIVIL APPLICATION NO. 8536 OF 2024 IN WP/15361/2023

GANESH DAGADU JADHAV AND OTHERS
VERSUS
THE COLLECTOR AURANGABAD AND OTHERS

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Mr. Abhijit Chaudhari h/f. Mr. V.V. Deshmukh – Advocate for Petitioners
Mr. V.S. Badakh – AGP for Respondent Nos.1 to 3, State
Mr. Ravindra V. Gore – Advocate for Respondent Nos.4, 6 and 7

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 03.12.2025

PER COURT :

1. Heard learned Counsel appearing for the respective parties.
2. By this petition, the petitioners challenge the order dated 08.06.2023 passed by the learned Tahsildar, Gangapur in Case No. २०२२/जमा-१/रस्ता/कावि -८३४ and order dated 28.09.2023 passed by the learned Sub – Divisional Officer, Vaijapur, in case No.2023/रिक्कीजन अर्ज / मा.को.अ. / 1906/23(2)/ सीआर - 59, whereby the order passed by the learned Tahsildar has been confirmed. By the said order, the application filed by the original applicants i.e. respondent Nos.4 and 5 herein came to be allowed and a way/road was granted from the common boundary of the land of the present petitioners.

3. Learned Counsel for the petitioners submits that the respondents had initially filed an application in the year 2007, pursuant to which a panchanama was carried out. Thereafter, in the year 2023, another application came to be filed and while recording the panchnama, only a reference to the panchnama of 2007 was made. However, nowhere has the revenue authority recorded any finding that a road was in existence or that there was any obstruction. This aspect has not been considered by either of the authorities. The learned Tahsildar as well as the learned Sub – Divisional Officer decided the matter under the provisions of the Mamlatdar's Court Act, 1906, without recording specific findings in this regard.

4. I have considered the rival submissions of the learned Counsel appearing for the parties and upon perusal of the panchnama placed on record at page 44 of the present petition, I find that the revenue authorities have failed to record a specific finding regarding the existence of a road and obstruction thereto. Since this aspect was not considered by the learned Tahsildar and the learned Sub – Divisional Officer, I am inclined to set aside the impugned orders and remand the matter to the learned Tahsildar to decide it afresh on its own merit.

5. In view thereof, the Writ Petition is partly allowed. The order dated 08.06.2023 passed by the learned Tahsildar, Gangapur in Case No. जा.क्र.२०२२/जमा-१/रस्ता/कावि -८३४ and order dated 28.09.2023 passed

by the learned Sub – Divisional Officer, Vaijapur, in case No.2023/रिक्हीजन अर्ज / मा.को.अ. / 1906/23(2)/ सीआर - 59 is quashed and set aside. The matter is remanded back to the learned Tahsildar to decide it afresh. All issues are kept open.

6. The parties shall appear before the learned Tahsildar on 22.12.2025.

7. The learned Tahsildar may issue notice to the interested persons, if any, and after conducting the detailed panchanama and after hearing the concerned parties, pass an appropriate order within a period of three (3) months from today.

8. It is made clear that, this Court has not recorded any finding on the merits of the matter and the matter is remitted back only on the ground that there was finding recorded by the revenue authority in the panchnama about existence of the road.

9. In view of the disposal of the Writ Petition, Civil Application No.8536/2024 is also disposed.

[SIDDHESHWAR S. THOMBRE]
JUDGE