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41wp513.25

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

41 WRIT PETITION NO. 513 OF 2025

DATTATRAY LIMBAJI GUTTE

....Petitioner

VERSUS

SUCHITRA DATTATRYA GOSAVI AND OTHERS

.....Respondents

Mr. A. N. Barhate Patil, Advocate for the petitioner
Mr. K. S. Patil, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 16th JANUARY, 2025

P. C.

1. Heard for sometime.

2. It is the case that the petitioner had applied to Tahasildar under Section 143 of the MLRC Act for giving a road for going to his field. The leaned Tahasildar allowed the application by order dated 13-05-2024. The respondents instead of filing the suit as per the clause-5 of the section 144 filed appeal before SDO, Pathri. The learned SDO by impugned order dated 28-10-2024 quashed and set aside the order dated 13-05-

2024 passed by the Tahasildar.

3. The learned advocate submits that there is specific provision under section 143 exercising of the jurisdiction by the learned SDO is without jurisdiction.

4. Considering the above, issue notice to the respondents, returnable on 13-03-2025. The learned AGP waives service of notice for the respondents/State.

5. In the meantime, there shall be ad-interim relief in terms of prayer clause-C.

[KISHORE C. SANT, J.]

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