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907-WP-5536-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 5536 OF 2025

Firdoz Shirin Azhar Ahmed Deshmukh

VERSUS

The State Of Maharashtra Through Principal Secretary And Others

...

Mr. Ramrao Dhondiram Biradar, Advocate for the Petitioner.

Mr. K. S. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 25th APRIL 2025

PC :-

1. Heard the learned Advocate for the petitioner.
2. Petitioner has approached this Court challenging the judgment and order dated 12th June 2023 passed by the learned Sub Divisional Officer, Ahmedpur in Revision Application arising out of proceeding under Section 5 of the Mamalatdar's Courts Act. The revision of the petitioner came to be rejected.
3. It is the case of the petitioner that he is the owner of land Gut No. 16 of village Chapoli Tq. Chakur Dist. Latur. The respondents filed an

application for removal of obstruction on the road to go to their land Gut No.15 and 21. In the application, there is no cause of action given that the road is obstructed in land Gut No.16. There is also no mention of land Gut No.16 in the entire application, still the learned Mamalatdar has directed to give road from land Gut No.16. He submits that, thus, the order was wrongly passed on two counts that it is passed without making the petitioner as party and secondly, though there is no reference in the application of land Gut No.16, till the Mamalatdar had directed that the road to be given from land Gut No.16. He submits that even the learned Sub Divisional Officer failed to appreciate this aspect.

4. Considering above, this Court finds that case is made out to issue notice and to grant stay.

5. Issue notice to the Respondents, returnable on 20th June 2025.

6. Learned AGP waives service of notice for respondent Nos. 1 to 4.

7. Till the next date, there shall be ad-interim relief in terms of prayer clause (C).

8. Learned Advocate for the petitioner submits that respondent No.6 is dead and no notice is required. Petitioner to delete the name of Respondent No.6 as his own risk.

[KISHORE C. SANT, J.]