

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6976 OF 2025

Rajesh Dnyanoba Kachave

VERSUS

The Sub Divisional Officer Pathri Division And Others

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Advocate for the Petitioner : Mr. M.P. Tripathi h/f Mr. Jaju Akash
Muralidhar

AGP for Respondent/State : Mr. D.R. Korade

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JUNE 23, 2025

PER COURT :-

1. Heard Mr. Tripathi, learned advocate appearing for petitioner.
2. The petitioner impugns order dated 24.03.2025 passed by Sub-Divisional Officer, Pathri in Revision Application No.2024/Revision thereby confirming order dated 02.07.2024 passed by the learned Tahsildar, Manwath in Proceeding No. 2024/Jama-1/Kavi-73 by which the directions are given to remove obstruction in the existing cart-way from survey no.143 at Manwath.
3. Mr. Tripathi, learned advocate appearing for petitioner submits that respondent nos.3 to 17 had filed proceeding under Section 5 of Mamlatdar's Courts Act before Tahsildar. The application is silent as to the date of cause of action and even particulars of existing road are not described. According to him, the learned Tahsildar without looking to the aforesaid material aspects, entertained the application and relying upon statements of panchas

concluded about existence of road and issued impugned directions which are confirmed by Sub-Divisional Officer while rejecting revision application.

4. Having considered the submissions advanced, it can be observed that the Tahsildar caused the panchnama dated 26.06.2024 in presence of panchas which noticed about existence of road since 60 to 70 years which was obstructed by petitioner. Mr. Tripathi raises serious challenge to these contentions. According to him, even in panchnama there is no specific reference as to existence of cart-way, its dimensions and length. The impugned orders are also silent as regard to aforesaid material aspects.

5. Looking to the contentions of petitioner and reasonings adopted by revenue authorities, it would be in the fitness of things if the dispute is resolved before Civil Court. At this stage, Mr. Tripathi submits that the petitioner would approach the Civil Court, however till then, protection may be granted to petitioner since the impugned order is now put to execution.

6. In that view of matter, writ petition stands disposed of with liberty in favour of petitioner to file appropriate proceeding before Civil Court raising exception to impugned orders. The petitioner shall be at liberty to file suit within a period of four weeks, till then execution of orders impugned be kept in abeyance.

(S.G. CHAPALGAONKAR, J.)