

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6931 OF 2025**

Vatsala Tukaram KesarkarPetitioner
Vs.
Sakharam Maruti Kesarkar & Ors.Respondents

Mr. Naveen Khaire (Through VC), for the Petitioners.
Mr. Sagar Redekar (Through VC), for the Respondent No.1.
Mr. J. P. Patil, AGP, for the Respondent Nos.2 to 6-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 10th DECEMBER 2025

PC.:-

1. Heard learned Advocates appearing for respective parties.
2. It is not in dispute that Respondent No.1 had filed Regular Civil Suit No.50 of 2014 seeking declaration and permanent injunction relying upon family settlement dated 22nd October 1991. In that suit, parties have arrived at amicable settlement and compromise terms are placed on record. In light of terms of settlement, mutation has been effected.
3. Petitioner herein had approached Tahsildar alleging that there is obstruction in use of water from common bore-well. In that

proceeding, learned Tahsildar passed order dated 11th February 2021 and directed Respondents to not to obstruct Petitioner from using water from common bore-well. The said order was carried forward in appeal and then Revision. Ultimately, by impugned order, Hon'ble Minister had set aside order passed by Tahsildar which was confirmed by Appellate Court. Hon'ble Minister was of the view that Tahsildar has no jurisdiction to pass order in nature of injunction.

4. The learned Advocate appearing for Respondent No.1, on instructions, makes a statement that Respondent No.1 would not obstruct Petitioner from using water from common bore-well.

5. In light of aforesaid statement, which is accepted as an undertaking to this Court, present Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR, J.)

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