

Ashish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.770 OF 2025

Vilas Aanappa Shejal & Anr. ... Petitioners
V/s.
Harshavarhan Pandurang Ghagare and
ors. ... Respondents

Mr. Ranjeet Patil, for Petitioners.

Mr. P.V. Nelson Rajan, AGP for Respondent Nos.4 and 5.

Mr. Balwant Salunkhe, for Respondent Nos.1 and 2.

CORAM : AMIT BORKAR, J.

DATED : MARCH 25, 2025

P.C.:

1. The present Writ Petition, invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, assails the order passed by the Authorities under the provisions of the Mamlatdar's Courts Act, 1906, whereby relief has been granted in favour of the respondent by restraining the petitioner from causing obstruction to the respondent's use of a road, which is the subject matter of the dispute. The impugned orders, both at the first instance and in revision, are premised upon the findings recorded on the basis of the panchnama prepared during the course of the local inquiry conducted by the revenue authorities. Both the Authorities have concurrently held

that the road in question exists and is being used by the respondent, and the petitioner has attempted to interfere with such use. The findings so recorded are based on appreciation of evidence brought on record in exercise of jurisdiction conferred under the Act. Such findings of fact, rendered by the statutory authorities after due consideration of material on record, ordinarily warrant no interference in exercise of supervisory jurisdiction.

2. It further emerges from the record that during the pendency of the proceedings before the Mamlatdar, the wife of the petitioner has instituted Regular Civil Suit No. 88 of 2017 in the competent Civil Court, raising a dispute in respect of the very same property. In the said suit, the plaintiff therein had moved an application seeking temporary injunction, which came to be rejected by the learned Civil Court after hearing the parties. The rejection of the application for temporary injunction by the Civil Court, albeit at an interlocutory stage, lends further credence to the view taken by the revenue authorities regarding the prima facie use of the said road by the respondent and absence of exclusive possession or right as claimed by the petitioner or his family members.

3. In view of the above, and particularly when the impugned orders have been passed by the Authorities under the Mamlatdar's Courts Act, 1906 on the basis of relevant and admissible material on record, without reference to any extraneous considerations, this Court does not find any ground to exercise its limited and narrow jurisdiction under Article 227 of the Constitution of India. It is well-settled that the supervisory jurisdiction under Article 227 is

not to be exercised as if it were an appellate forum. Unless it is demonstrated that the findings are perverse, or suffer from error of jurisdiction or manifest illegality, mere disagreement with the reasoning or conclusion of the Authority does not warrant interference.

4. It is, however, clarified that since the parties have already approached the competent Civil Court in respect of the same property, the ultimate rights and obligations of the parties shall abide by the final adjudication and decree that may be passed in Regular Civil Suit No. 88 of 2017. The orders passed by the Mamlatdar and the Revisional Authority under the Mamlatdar's Courts Act, 1906 are of a limited nature and cannot be construed as adjudication of title or permanent rights. Subject to this clarification, the Petition stands dismissed. There shall be no order as to costs.

(AMIT BORKAR, J.)