

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10877 OF 2025

Ajitkumar Balasaheb Gawade and ors. ...Petitioners

Versus

The State of Maharashtra and ors. ...Respondents

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Mr. Rushikesh Kale, for the Petitioner.
Smt. V. R. Raje, AGP for the State – Respondent Nos.1 to 3.

CORAM: N. J. JAMADAR, J.

DATED: 7th AUGUST, 2025

ORDER:-

1. Heard the learned Counsel for the petitioners.
2. The legality, propriety and correctness of the judgment and order dated 30th June, 2025 passed by the Sub-Divisional Officer (SDO) in RTS Appeal No.230 of 2025, whereby the revision preferred by the petitioner under Section 23 of the Mamlatdar's Courts Act, 1906 ("the Act, 1906") against a judgment and order passed by the Tahsildar in RTS/SR/14/2022 dated 9th June, 2023, thereby rejecting the application of the petitioners for removal of obstruction to the access of the petitioners to their land from the road situated in Gat No.4/2 belonging to respondent No.4, is assailed in this petition.

3. Mr. Kale, the learned Counsel for the petitioners, would submit that the existence of the said road is clearly recorded in the site inspection panchnama in the map prepared by the Land Records Department. Yet, the authorities under the Act, 1906 non-suited the petitioners on an unsustainable ground that there is an alternate access to the petitioners to the land bearing Gat No.4/1. Taking the Court through the orders passed by the Tahsildar and SDO, Mr. Kale made an endeavour to persuade the Court to hold that since the existence of the road as such is not disputed, the petitioners access to their field through the road cannot be obstructed. I am unable to agree with the submissions of Mr. Kale.

4. From the perusal of the material on record and the impugned orders the following facts become explicitly clear. The said road is not shown in the village map. The said road entirely runs through the land of respondent No.4. Apart from the petitioners, no adjoining landholder has laid any claim of access through the said road. The petitioners have an alternate access to their land through another road. Lastly, no obstruction was found to have been caused by respondent No.4 on the said road. Cumulatively, the aforesaid factors weighed with the authorities in non-suiting the petitioners.

5. This Court in exercise of the supervisory jurisdiction does not find any infirmity in the determination of the controversy, which is rooted in facts, by the Authorities under the Act, 1906. No serious legal infirmity or procedural defect is found in the impugned order. Therefore, the petition does not deserve to be entertained.

6. The petition stands dismissed.

[N. J. JAMADAR, J.]