

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.12555 OF 2025**

DNYANU GAJENDRA SHELKE AND OTHERS
VERSUS
SITARAM POPAT SHINDE AND OTHERS

...

Mr. Vaibhav R. Gaikwad, Advocate for Petitioners.
Mr. Sanjay D. Rayrikar, AGP for Respondent Nos.4 and 5.
Mr. Prabhakar M. Jadhav a/w Mr. Amey Mahajan, Advocate for Respondents.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 28th NOVEMBER, 2025.**

ORDER:-

1. The petitioners impugn order dated 31.07.2023 passed by respondent no.5/Sub Divisional Officer, Pandharpur in Revision Application No.225/2022 as well as order dated 29.03.2022 passed by respondent no.4/Tahsildar, Pandharpur in Rasta Case No.5/SR/09/2021.

2. Pertinently, petitioners have already instituted Regular Civil Suit No.12/2023 before Civil Judge Junior Division, Pandharpur seeking declaration that impugned orders dated 29.03.2022 and 31.07.2023 passed by Competent Authorities under Mamlatdar's Courts Act, 1906 (impugned orders in present petition) as null and void. In that suit their plea for temporary injunction is rejected. Even, Miscellaneous Civil Appeal filed before District Judge is also rejected. The petitioners had, therefore, approached before this Court in Writ Petition

No.11058/2025. This Court vide order dated 25.09.2025 dismissed Writ Petition upholding orders passed by Civil Court.

3. In light of aforesaid background, when petitioners have availed remedy of filing suit challenging legality and validity of orders passed under Mamlatdar's Courts Act, they cannot be permitted to invoke Writ jurisdiction of this Court to challenge selfsame orders, particularly when they have suffered rejection of application for temporary injunction filed in suit after considering merits of contention.

4. In light of aforesaid facts, there is no substance in Writ Petition. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE