



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10981 OF 2023
WITH
WRIT PETITION NO. 11791 OF 2024

Hemant Kantilal Sathe & Another

...Petitioners

Versus

The State of Maharashtra and Others

...Respondents

*Mr. Pavan Patil, Mr. Shubham Saraf for Petitioners in both Writ Petitions.
Mr. Kishor Patil i/b Mr. Pratik B. Rahade for Respondent No. 4.
Mr. Bapusaheb Dahiphale, AGP for State.*

Coram : Sharmila U. Deshmukh, J.

Date : 13th November, 2025.

P. C. :

1. The subject-matter of these Petitions is proceedings which were initiated before the Mamlatdar under Section 5 of Mamlatdar's Courts Act, 1906 by Respondent No. 4 seeking removal of obstruction by Petitioner over an existing road. By order of 19th June, 2023, the Sub-Divisional Officer quashed the order of Tahsildar and remanded the matter for fresh consideration to Tahsildar. The order of Sub-Divisional Officer to the extent that, it remands the matter to the Tahsildar is subject-matter of Writ Petition No. 10981 of 2023.

2. Insofar as Writ Petition No. 11791 of 2024 is concerned, the challenge is to order which is passed by the Collector on Appeal on 6th May, 2024, which Appeal was filed by Respondent No. 4 against the

order of Sub-Divisional Officer dated 19th June, 2023.

3. Mr. Patil, learned counsel appearing for Respondent No. 4 in both the Petitions, on instructions, submit that Respondent No. 4 has filed substantive suit and in view thereof, the orders may be quashed and set aside. He would further submit that Respondent No. 4 would not initiate any fresh proceedings under the Mamlatdar's Courts Act, 1906 or Maharashtra Land Revenue Code, 1966 in respect of the same subject-matter. He submits that as the issue will now be decided in the civil suit and all contentions and right of parties be kept open.

4. Learned counsel for Petitioner fairly concedes to the said submission.

5. In light of above consensus, both the Writ Petitions are disposed of by quashing and setting aside the order of 19th June, 2023 and 6th May, 2024. As the substantive civil suit has been filed, the subject-matter be adjudicated in the said suit.

6. The statement made on instructions is accepted as undertaking given to this Court.

7. All rights and contentions of both parties are expressly kept open. The Civil Court to decide the suit on its own merits and uninfluenced passed in the present proceedings.

[Sharmila U. Deshmukh, J.]