

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

WRIT PETITION NO. 14474 OF 2024

Hiraman Laxman Mazire
through POA & Ors.

... Petitioners

Versus

State of Maharashtra & Ors.

... Respondents

**WITH
INTERIM APPLICATION NO. 11921 OF 2025
IN
WRIT PETITION NO. 14474 OF 2024**

Mr. Manjiri Parasnis a/w Ms. Shrushti Kale for the Petitioners.
Mr. Akshay Deshmukh a/w Mr. Sanket Kadam and Mr. Sumit
Choudhary for Intervenors.

**CORAM : MANISH PITALE, J.
DATE : 9th OCTOBER 2025**

P.C. :

. Heard learned counsel for the parties, including the learned
counsel appearing for the applicants, who propose to intervene in
this petition.

2. The petitioners are aggrieved by a notice issued on 1st
October 2024 by the Mandal Officer, intending to execute an
order passed by the respondent No.3-Tehsildar.

3. This petition arises out of a second round of litigation,
concerning the controversy between the parties. The proceeding
was initiated under the provisions of the Mamlatdar's Courts Act,

1906 by some of the private respondents for removal of an obstruction, seeking a direction against the petitioners in that regard. The respondent No.3-Tehsildar allowed the application against the petitioners, against which they approached the respondent No.2-Sub-Divisional Officer (SDO) by filing a revision application. It is relevant to note that in the first round of litigation, during the pendency of the revision application before the respondent No.2-SDO, the interim order appears to have been vacated, due to which, the order of the respondent No.3-Tehsildar was taken up for execution and in that light, Writ Petition No. 7204 of 2022 was filed. This Court granted status-quo and thereafter, the petition was disposed of with a direction to the respondent No.2-SDO to decide the pending revision application of the petitioners.

4. The respondent No.2-SDO partly allowed the revision application, set aside the order of the respondent No.3-Tehsildar and remanded the matter back to the respondent No.3-Tehsildar for consideration afresh.

5. In the second round also, the respondent No.3-Tehsildar held against the petitioners, as a consequence of which, they were constrained to file revision application before the respondent No.2-SDO, wherein, on 23rd September 2024, the order of respondent No.3-Tehsildar was stayed till the next date of hearing, which was fixed for 30th September 2024.

6. On the said date, it appears that respondent No.2-SDO was

not available, due to which, the stay order could not be continued. It is in this backdrop that on 1st October 2025, the respondent No.4-Mandal Officer issued the impugned notice for execution of the order of the respondent No.3-Tehsildar.

7. Aggrieved by the same, the petitioners filed the present petition, in which, by an order dated 17th October 2024, a statement was recorded on behalf of the respondent No.3-Tehsildar that no coercive action would be taken in pursuance of the impugned notice.

8. During the pendency of this petition, Interim Application No. 11921 of 2025 was filed on behalf of the certain individuals, seeking to intervene in the proceedings. According to the applicants, they and other residents in the vicinity are facing unnecessary inconvenience, as the order of status-quo is effectively preventing them from using a road, which is meant for public use. It is submitted that this Court may consider the plight of the applicants in the intervention application, while deciding the present petition.

9. This Court is of the opinion that when the revision application is pending before the respondent No.2-SDO on merits, allowing the order of the respondent No.3-Tehsildar to be executed during the pendency of the revision application would, in a sense, render the revision application itself infructuous. The record shows that although, the intervention applicants appear to be projecting severe inconvenience being caused to the public at

large, due to the status-quo being maintained, it is a matter of record that such status-quo has continued to operate since the first round of litigation before this Court i.e. Writ Petition No. 7204 of 2022, wherein by an order dated 24th June 2022, this Court had granted status-quo.

10. Allowing the impugned notice to be taken to its logical conclusion, even during the pendency of the revision application pending before the respondent No.2-SDO, would result in the order of the respondent No.3-Tehsildar being executed, which would not be in the interest of justice.

11. Instead, it would be appropriate that the respondent No.2-SDO is directed to decide the pending revision application of the petitioners at the earliest and the status-quo, as on today is maintained, till the revision application is decided.

12. In view of the above, the petition is disposed of by directing the respondent No.2-SDO to decide the pending revision application filed by the petitioners, as expeditiously as possible and in any case, within a period of three weeks from today.

13. The status-quo as on today shall be maintained till the respondent No.2-SDO decides the pending revision application of the petitioners.

14. It is made clear that this Court has not expressed any opinion on the merits of the matter and that the respondent No.2-SDO shall decide the pending revision application on its own

merits and uninfluenced by the observations made in this order.

15. The petitioners as well as the contesting respondents shall cooperate with the respondent No.2-SDO for disposal of the pending revision application, as per the timeline indicated herein above.

16. Pending applications, if any, also stand disposed of.

MANISH PITALE, J.