

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17032 OF 2024

WITH

INTERIM APPLICATION NO.1456 OF 2025

IN

WRIT PETITION NO. 17032 OF 2024

Maruti Dhondiba Galve

... PETITIONER

V/S.

Saish Chandrakant Shirsagar and Ors.

... RESPONDENTS

Mr. Sachin Hande *a/w. Ms. Poonam Pal for the Applicant.*

CORAM : SANDEEP V. MARNE, J.

Dated : 7 February 2025.

P.C. :

1. The petition challenges the order dated 26th September 2024 passed by Sub-Divisional Officer, Jat, Sub-Division Jat (**in short SDO**) rejecting Petitioner's Revision Application preferred under provisions of Section 23(2) of the Mamlatdar's Courts Act. The said Revision Application challenged the order dated 27th October 2023 passed by the Tehsildar /

Mamlatdar directing him to remove the obstruction on road leading the land bearing Gat Nos.533 and 535/3 passing through Petitioner's land bearing Gat No.532.

2. The order of Tehsildar was premised on Panchanama prepared on 10th April 2023. The site inspection was attended by Tehsildar personally and the inspecting members have clearly noticed existence of road passing through Petitioner's Gat No.532. Though it is sought to be vaguely suggested that Petitioner was not aware about conduct of Panchanama, no specific ground is raised either before the SDO or in the present petition that he was not served with any notice for conduct of Panchanama.

3. Mr. Hande learned counsel appearing for Petitioner has sought to suggest that the proceedings were heard and decided by Mamlatdar / Tehsildar behind the back of the Petitioner. However order of the Tehsildar specifically records that notice of proceedings was served on the Petitioner. If the Panchanama was indeed conducted without service of any notice on the Petitioner, he would have raised objection of non-service of notice as his principal ground of challenge to the order passed by Tehsildar. Instead of doing so, Petitioner essentially questioned order of the Tehsildar on merits before

the SDO and vaguely incorporated the ground of non-service of notice in the Revision filed before the SDO.

4. Since Tehsildar has recorded a finding of fact that notice was indeed served on Petitioner, I am not inclined to accept vague pleading made before the SDO and before this Court about the non-service of notice in the proceedings to the Petitioner. The Tehsildar and SDO have concurrently recorded finding of fact that about existence of road through Petitioner's land bearing Gat No.532. There is no warrant for this Court to interfere in the said finding of fact in absence of an element of perversity. No case is made out for interference in the impugned order. Writ Petition is accordingly rejected.

5. With the rejection of the Petition, prayers in the Interim Application do not survive. Hence the Interim Application is also disposed of.

[SANDEEP V. MARNE, J.]