

Santosh

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

WRIT PETITION NO. 9786 OF 2025

Madhukar Namdeo Nikam and ors. ...Petitioners

Versus

Shidgonda Dargonda Patil and ors. ...Respondents

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KULKARNI

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Mr. Ramdas Shelke, for the Petitioners.
Smt. Sulbha Shelke, AGP for the State – Respondent Nos.44
and 45.

CORAM: N. J. JAMADAR, J.

DATED : 22nd JULY, 2025

ORDER:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to a judgment and order dated 19th May, 2025 passed by the Sub-Divisional Officer, Miraj, in Revision Application No.423 of 2024, whereby the revision preferred by the petitioners under the provisions of Section 23(2) of the Mamlatdar's Courts Act, 1906 against a judgment and order dated 30th May, 2024 passed by the Mamlatdar under Section 5 of the said Act, directing the removal of the obstruction over the way leading to Survey Nos.119, 320, 325, 326, 301, 302, 293, 291, 294 and 290 of village Savlaj, Taluka Tasgaon, came to be dismissed.

3. The respondents - applicants in Rasta SR Case No.1 of 2023, had approached the Mamlatdar with a case that the petitioners – holders of land bearing Survey No.301 had caused obstruction to the way leading to former's lands by digging pits on the said way and, therefore, the petitioners be directed to remove the said obstruction.

4. A spot inspection was carried out on 6th February, 2024. The spot inspection recorded that the way runs upto the boundary of Survey No.301. The holders of Survey No.301 – the petitioners had caused obstruction to the said way by erasing the marks of existence of the said way.

5. The Mamlatdar, after appraisal of the material and the spot inspection report, returned a finding that the petitioners had dug pits on the way by employing JCB and, therefore, directed that the said obstruction be removed. And also restrained the petitioners from causing obstruction to the use of the said way by the respondents. The Sub-Divisional Officer found no error in the order passed by the Mamlatdar.

6. Mr. Shelke, the learned Counsel for the petitioners, would urge that the authorities have failed to appreciate that the earlier application, preferred purportedly under Section 143 of the Maharashtra Land Revenue Code, was disposed as the way

was sought through the field of the petitioners. Reliance was sought to be placed on the panchnama drawn on 13th March, 2023.

7. I have perused the communication dated 13th April, 2023 in reference to the said panchnama dated 13th March, 2023. In fact, the panchnama dated 13th March, 2023 also records that the said road runs up to the boundary of Survey No.301 and petitioner No.1 had caused obstruction to the said road in Survey No.301. The existence of the way up to the boundary of Survey No.301 also finds mention in the map (Exhibit-K), sought to be relied upon by the petitioners.

8. Thus, there was adequate material before the authorities to the effect that the said way was obstructed by the petitioners. In these circumstances, the authorities have correctly exercised the jurisdiction vested in them under the Mamlatdar's Courts Act, 1906. Hence, in exercise of the writ jurisdiction, no inference is warranted in the impugned order.

9. The petition, therefore, stands dismissed.

[N. J. JAMADAR, J.]