



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10751 OF 2025

Santoshmukar Abasaheb Shendge ... Petitioner

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Avinash B. Avhad, for the petitioner.

Mr. P.J. Gavhane, AGP, for the Respondent nos. 1 to 4/State

CORAM : N.J. JAMADAR, J.

DATE : 7th AUGUST 2025

PC:

1. The challenge in this petition is to an order dated 21st July 2025 passed by the Tahsildar, Malshiras, directing the petitioner to remove the obstruction and cooperate with the authorities to provide access to the inhabitants of Bordre Vasti.

2. Mr. Avinash Avhad, the learned counsel for the petitioner, submits that the impugned action was initiated on the basis of the communication addressed by the President of a Public Charitable Trust (Exhibit-E). No proceeding either under Section 5 of the Mamlatdar's Courts Act, 1906 or Section 143 of the Maharashtra Land Revenue

Code, 1966 was initiated, and, yet, the Tahsildar has passed the impugned order.

3. From the perusal of the impugned order, it appears that the Tahsildar was cognizant of the fact that the application was not preferred under either Section 5 of the Mamlatdar's Courts Act, 1906 or Section 143 of the Maharashtra Land Revenue Code, 1966. The impugned order partakes the character of adjudication of civil dispute, which is beyond the remit of jurisdiction of revenue authorities.

4. Issue notice to the respondents, returnable on 4th September 2025.

5. The learned AGP waives notice to the respondents.

6. The respondents are at liberty to file an affidavit-in-reply and serve it copy on the petitioner, within a period of three weeks

7. In the meanwhile, there shall be an ad-interim relief in terms of prayer clause (c).

(N.J. JAMADAR, J)