



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.12609 OF 2025**

|                                                                |     |             |
|----------------------------------------------------------------|-----|-------------|
| Prataprao Waman Pawar and Ors.                                 | ... | Petitioners |
| versus                                                         |     |             |
| The Sub-Divisional Officer, Purandhar Sub Division<br>and Ors. | ... | Respondents |

Mr. L.S.Deshmukh i/by Mr. Shivaji Masal, for Petitioner.  
Mr. J.P.Patil, AGP for State.

**CORAM: N.J.JAMADAR, J.**

**DATE : 29 SEPTEMBER 2025**

**P.C.**

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 14 July 2025, passed by the Sub-Divisional Officer, Purandhar, whereby the revision application preferred by the Petitioners against the order passed by the Tahsildar under Section 5 of the Mamlatdars' Court Act, 1906 came to be dismissed affirming the said order passed by the Tahsildar.
3. Learned Counsel for the Petitioners submitted that, the Petitioners were not initially impleaded as party respondents to the application under Section 5 of the Act, before the Tahsildar. Only Respondent No.7 – Bhagwan G. Pawar, was impleaded as party Respondent. By a subsequent order on an application under the provisions of Order 1 Rule 10 of the Code of Civil Procedure, 1908, the Petitioners along with the other adjoining land owners

came to be impleaded as party Respondents. The Tahsildar has not provided an effective opportunity of hearing. There was overwriting in the roznama of the proceedings dated 25 October 2023. The matter was listed for pronouncement of the order without providing an opportunity of hearing to the Petitioners. The revisional authority has also failed to consider the aforesaid grounds raised by the Petitioners. Therefore, both the orders are legally infirm.

4. I have perused the material on record. Spot inspection report records in clear and categorical terms that, the subject road was in existence and the Respondent No.7 had caused obstruction to the access of the Petitioners by destructing a portion of the road. The existence of the road is reflected in the Zilla Parishad Record and the Sale Deed under which the Respondent No.3 had acquired his agricultural land. The authorities have recorded a positive finding, on the basis of objective material, that Respondent Nos.3 to 6's access was unlawfully obstructed. The grievance was primarily against Respondent No.7 who had destructed a portion of the road.

5. In these circumstances, this Court in exercise of supervisory jurisdiction, which is a corrective in nature, does not find any justifiable reason to interfere with the impugned order as the justice of the case lies in favour of the Respondent Nos.3 to 7 – Original Applicants before the Tahasildar.

6. If the Petitioners are aggrieved, they are at liberty to institute a civil suit.

7. Subject to the aforesaid liberty, the Writ Petition stands dismissed.

**( N.J.JAMADAR, J. )**