



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO.400 OF 2023**

- PETITIONERS** :- 1) Pramod Sudhakar Rao Uke,  
Age:- 58 Yrs., Occu:- Agri.,  
R/o. Pathrot, Tq. Achalpur, Dist. Amravati.
- 2) Devanand Shyamraoji Yevatkar,  
Age:- 56 Yrs., Occu:- Agri.,  
R/o. Shindi Bk, Tq. Achalpur, Dist.  
Amravati.

**..VERSUS..**

- RESPONDENTS** :- 1) Sub-Divisional Officer, Achalpur, Tq.  
Achalpur, Dist. Amravati.
- 2) Naib Tahsildar, Achalpur, Tq. Achalpur,  
Dist. Amravati.
- 3) Narayan Shyamrao Dharpawar (Dead)  
through L.R. Rajendra Narayan Dharpawar  
Age:- 37 Yrs., Occu:- Agri.,
- 4) Mahadevsingh Narayansingh Khanve  
(Dead) through L.R. Motisingh  
Mahadevsingh Khanve, Age:- 60 Yrs,  
Occu:- Agri.,
- 5) Kashinath Gulabrao Bawanthade (Dead)  
through L.R. Pravin Kashinath  
Bawanthade, Age:- 79 Yrs., Occu:- Agri.,
- 6) Ramdas Sakharan Bansod (Wireman),  
Age:- 75 Yrs., Occu:- Agri.,
- 7) Suryabhan Raibhan Dandge,  
Age:- 82 Yrs., Occu:- Agri.,
- 8) Sushilabai Chandrabhan Banewar,  
Age :- 65 Yrs., Occu:- Agri.,

Respondent no. 3 to 8 R/o. Pathrot, Tq.  
Achalpur, Dist. Amravati.

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Mr. P.A. Kadu, Advocate for Petitioners.

Mr. S. Khushalani, Advocate for Respondent Nos.3 to 7/Caveator.

Ms H.S. Dhande, A.G.P. for Respondents/State.

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**CORAM : ROHIT W. JOSHI, J.**

**DATE : 11/11/2025**

**ORAL JUDGMENT :**

1. Heard.

2. The present petition arises out of a proceeding filed under Section 5 of the Mamlatdar's Courts Act, 1906, for removal of obstruction on a road which was filed on 17.05.2017. The spot panchanama indicates that the obstruction was initially created in the year 2010 itself. The respondents who are the original applicants have filed reply in the present petition, along with which a communication dated 13.03.2014, addressed by the Talathi to the concerned Tahsildar, is annexed. This document is also shows that obstruction on the subject road was created by the petitioners. It implies that obstruction existed in the year 2014.

3. The learned Advocate for the petitioners draws attention to the order passed by the learned Mamlatdar as well as by the Sub-Divisional Officer/Revisional authority. Both these orders indicate

that the contention with respect to limitation was specifically raised but same is not answered. It will be pertinent to mention that the limitation for filing an application under Section 5 of the Mamlatdar's Courts Act, 1906, is six months from the date of obstruction.

4. In view of the above, in the considered opinion of this Court, the impugned orders in the present petition are not sustainable and liable to be quashed. The matter is remitted to the learned Mamlatdar to decide the application afresh, including the issue of limitation. According, I pass the following order :-

- i) Writ petition is partly **allowed**.
- ii) The order dated 06.12.2022, passed by the Sub-Divisional Officer, Achalpur in रा.मा. क्र.२८/एमसीए-०५/२०२१-२०२२/कामतवाडा and order dated 20.04.2022 passed by the Mamlatdar/Naib Tahsildar, Achalpur in रामाक्र.२/एम.सी.ए.५/कामतवाडा/२०१७-१८, are quashed and set aside.
- iii) The case No. रामाक्र.२/एम.सी.ए.५/कामतवाडा/२०१७-१८, is remitted to the learned Mamlatdar/Naib Tahsildar,

Achalpur, to decide the application afresh, including the point of limitation.

- iv) Parties shall appear before the learned Mamlatdar on **01.12.2025**. Parties to note that, separate notice for appearance will not be issued.
- v) The learned Mamlatdar is directed to decide the application afresh as early as possible and in any case, on or before **30.04.2026**.
- vi) No order as to costs.

(ROHIT W. JOSHI, J.)

*C.L. Dhakate*