



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

CIVIL APPLICATION (W) NO.714 OF 2021

IN

WRIT PETITION NO.4668 OF 2019

[Shri. Gulabrao S/o Lunghlaji Bargat and Others **..Vs..** Sub Divisional
Officer and Others]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr P. S. Kadam, Advocate for Petitioners.
Mr A. A. Madiwale, AGP for Respondent/State.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 17th NOVEMBER, 2025.

1. Heard learned counsel for the
applicants/petitioners.

2. By this application, the applicants seek permission
to bring on record the legal heirs of petitioner No.1 and
the respondent No.3.

3. Considering the averments in the application, the
application is allowed and the petitioners are permitted to
bring on record the legal heirs of petitioner No.1 and
respondent No.3.

4. The amendment to be carried out forthwith.

5. The application is disposed of accordingly.

WRIT PETITION NO.4668 of 2019

1. Heard learned counsel for the petitioners.

2. The petitioners challenge the order dated 03.07.2017 passed in MCA No.5/Urad/02/2013-14 passed by Tahasildar, Warud, which was confirmed by the Sub-Divisional Officer, Morshi, by its order dated 30.07.2018 passed in MCA No.5/URD/02/2017-18, thereby dismissing the revision filed by the petitioners under Section 23(2) and (3) of the Mamlatdar Court's Act, 1906.

3. Learned counsel for the petitioners submits that the Tahasildar, Warud, has not considered the fact that the spot inspection report as well as revenue record does not indicate the existence of any road. He further submits that, as there is no obstruction in existence, the question of removal of obstruction does not arise at all and both the authorities have failed to consider this aspect.

4. I have gone through the order passed by the Tahasildar. The Tahasildar, by relying on the spot inspection report, found that there is no way available to the petitioners. The Tahasildar and the Sub-Divisional Officer have recorded findings based upon the facts, and therefore, I do not find any reasons to interfere with the orders passed by both the authorities under Article 227 of the Constitution. Hence, the petition is dismissed.

(SIDDHESHWAR S. THOMBRE, J.)