



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5974/2022

Siddharth s/o Moreshwar Dhoke and another
Vs.

The State of Maharashtra, through Sub Divisional Officer, Katol and others

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

Court's or Judge's orders

Shri A.M. Balpande, Advocate for petitioners
Ms Prachi Joshi, AGP for respondent Nos.1 to 3/State
Shri N.M. Jibhkate, Advocate for respondent No.4

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 23/01/2025

Heard both the parties and State.

2. The present petition arises out of order dated 02.08.2022 passed by the Sub Divisional Officer, Katol, District Nagpur in Rev. Case No.32/Mamlatdar/2021-22 and the order dated 15.11.2021 passed by the Tahsildar/Mamlatdar, Narkhed in Rev. Case No.05/MCA-5/2020-21 of Mouza Khedi (G.go.) tah. Narkhed, District Nagpur, under the provisions of Mamlatdar Courts Act, 1906.

3. It appears that in reply before the Sub Divisional Officer, there are some admissions by the present respondents about way of 3 feet, which was kept open, however, it appears that admittedly the Tahsildar carried out inspection of the spot. The petitioners herein were not issued with the notice of said inspection. On this count alone, the order passed

by both the authorities below are liable to be set aside.

4. Both the parties agreed that there may be joint inspection and measurement by respondent No.2, after due notice to the parties. Accordingly, petition is allowed.

5. The order dated 02.08.2022 passed by respondent No.1- Sub Divisional Officer, Katol in Rev. Case No.32/Mamlatdar/2021-22 and the order dated 15.11.2021 passed by respondent No.2- Tahsildar/Mamlatdar, Narkhed, District Nagpur, are hereby quashed and set aside.

6. The respondent No.2 is further directed to carry out measurement of approach way and inspection of the spot after giving due notice to the parties and decide afresh issue before it.

7. Parties to appear before respondent No.2- the Tahsildar, Narkhed, District Nagpur, on 13.02.2025.

8. The petition stands disposed of accordingly.

JUDGE

R.S. Sahare