



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

WRIT PETITION NO.8328 OF 2023

Madhukar Maruti Dethe Vs. Maroti Sambhaji Kurle and ors.

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. R. R. Dawda, Advocate for petitioner.

Mr. N. B. Rathod, Advocate for respondent No. 1, 2 and 4.

Mrs. H. S. Dhande, AGP for respondent/State.

CORAM : ROHIT W. JOSHI, J.

DATE : 14.11.2025.

. The present petition takes exception to order dated 06.05.2022, passed by the Tahsildar, Wani acting as Mamlatdar under the provisions of the Mamlatdar's Courts Act, 1906 and subsequent order dated 06.12.2022 passed by the Sub-divisional Officer, Wani rejecting revision arising out of the said order. By the said order the Mamlatdar has ordered removal of obstruction on road passing through land owned by the petitioner Gat No.68, Village-Pilkiwadhona.

2. The learned Advocate for the petitioner draws attention to the written statement filed before the Mamlatdar as also memorandum of revision in which reference is made to a map prepared by the Superintendent of Land Records, Yavatmal pursuant to order dated 30.01.2004. The learned Advocate for the petitioner states that according to this map which is in fact the corrected and up to date map the road passes through land bearing Gat No.64 and 65 and not Gat No. 68 owned by the petitioner.

3. It will be necessary to clarify that the stretch of road passing in east west direction is passing through land bearing Gat No. 68 in both the maps. However, as regards, the stretch of the road in north-south direction the map on which the authorities have relied shows that it passes through land of the petitioner bearing Gat No.68. However, in the map relied upon by the petitioner which is prepared by Superintendent of Land Records, the existence of road in north-south direction is shown through land bearing Gat Nos.64 and 65.

4. Since the said contention and the map on which reliance is placed by the petitioner is not considered by both the authorities, despite reliance upon the same, being placed by the petitioner, in the considered opinion of this Court, it will be appropriate to remand the matter to the Tahsildar/Mamlatdar for deciding the application afresh taking into consideration, the aforesaid map on which reliance is placed by the petitioner. The Mamlatdar shall record a specific finding as to whether the road in north-south direction passes through land bearing Gat No.68 or Gat No.64 and 65. It is however, clarified that both the maps in question positively indicate existence of road in east-west direction through land bearing Gat No.68.

5. The parties shall appear before the Mamlatdar on 08.12.2025.

6. Parties to note that separate notice for appearance will not be issued.

7. Mamlatdar is directed to decide the application afresh as early as possible and in any case before **30.04.2026**.

(ROHIT W. JOSHI, J.)

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