



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

WRIT PETITION NO. 3577/2025

**Sanjay Puralal Agrawal and others Vs. Sukhdeo Ajabrao Dhote
and another**

Office Memoranda of Appearances, Court's directions and orders	Notes, of Coram, Court's orders or Registrar's	Court's or Judge's orders
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Mr. S.A. Banik, Advocate for Petitioners

CORAM: ANIL L. PANSARE, J.

DATED : 10th JULY, 2025

1. Heard.
2. The challenge is to the order dated 26.02.2024, passed by the respondent No.3, thereby dismissing the revision filed by the petitioners against the order passed by the Mamlatdar.
3. By the impugned order, the impediment made by the petitioners is directed to be removed by the authorities below. The plaint as filed before the Mamlatdar indicates that the impediment was made on 20.03.2022.
4. The argument is that the alleged impediment was existing even prior to the said date. The counsel for the petitioners submits that similar such impediment was made in 2019 and thereafter in July, 2021, either before the police officer or before the Grampanchayat concerned. He has invited my attention to Section 5(3) of the Mamlatdar's Courts Act, 1906, which provides that no suit shall be entertained by the Mamlatdar Court unless it is brought within six months from date on which cause of action arose. He then referred to Section 5(4) of the said Act, which provides for the definition of cause of action to

mean that the date on which the impediment was caused at the first point of time.

5. The another limb of argument is that there was an alternative road and therefore there was no reason for the Mamlatdar and the Sub-Divisional Officer to create a new road.

6. I have gone through the documents placed on record and the plaint before the Mamlatdar, in which a categorical plea was taken that the road under question was obstructed on 20.03.2022. The plaint has been filed on 26.07.2022, which is within six months from the date of cause that arose for filing the plaint.

7. The argument that the cause arose on earlier occasion also is something that only indicates that the respondents made a complaint before the appropriate authority of the petitioners obstructing their approach road to their field. In this context, a query was made as to whether there is any evidence to show that the so called obstruction as complained of by the respondents on earlier occasion continued for all these years, the counsel has not even referred to evidence to show that the impediment that allegedly occurred in 2019 or 2021, continued till the date of filing suit.

8. Thus what emerges is that the respondents had on earlier occasion made complaints of petitioner's obstructing the road. There is, however, no evidence to show that this obstruction continued thereafter. The respondents then on the basis of cause that arose on 20.03.2022, lodged a plaint stating therein that the petitioners have caused obstruction again. This is thus a case where the cause arose on multiple occasions. In any case, since there is an obstruction in the road, the cause will continue to arise recurrently.

9. Be that as it may, the fact remains that the respondents, came up with a specific plea of obstruction on 20.03.2022 and the plaint has been filed well within time. In the circumstances and in absence of any evidence to show that the obstruction that occurred earlier continued till the date of filing the suit, I do not find substance in the arguments that the plaint was barred by law.

10. So far as alternative road is concerned, this cannot be a ground to obstruct the existing road. The petitioner's contention that by the impugned order new road is being constructed is nothing but a statement without any evidence to substantiate.

11. That being so, I do not find any reason to interfere with the impugned order dated 26.02.2024, passed by respondent No.3 - Sub-Divisional Officer in Revenue Revision Case No. 10/MCA-5/2022-23.

12. The petition is dismissed. No costs.

(ANIL L. PANSARE, J.)