



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 WRIT PETITION NO. 10221 OF 2025

Bhausahab Vishnu Kokate And Another

VERSUS

The State Of Maharashtra And Others

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Advocate for Petitioners : Mr. V.V. Tarde

AGP for Respondents: Mr. A.R. Kale

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 09, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 18.7.2025 passed by the S.D.O. Shrirampur Division, Shrirampur in revision bearing RTS No.150 of 2025 thereby upholding the order dated 11.3.2025 passed by the Naib Tahsildar, whereby learned Mamlatdar directed removal of obstruction created by the petitioner in existing road.

2. Learned advocate appearing for the petitioners submits that already two civil suits are pending in the subject matter between the parties. Issues as to existence or obstruction of the road is subject matter of the suit. In that view of the matter, the Tahsildar/Mamlatdar could not have entertained the application under section 5 of the Mamlatdar Courts Act.

3. This Court finds that learned Tahsildar had caused spot inspection in Rasta Case and noted obstruction on existing road created by the petitioners/respondents and accordingly the impugned orders are passed.

4. Prima facie, this Court finds no reason to interfere in the impugned order. Needless to state that decision given by the Mamlatdar or affirmed by the S.D.O. shall be subject to final outcome of the suit. Writ Petition stands **rejected**. No costs.

(S. G. CHAPALGAONKAR, J.)

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