



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 WRIT PETITION NO. 13928 OF 2025

SANTOSH SAKHARAM WAGH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. B. G. Sagade, Advocate for the Petitioners

Mr. S. R. Yadav-Lonikar, AGP for the Respondent/State

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 6th JANUARY, 2026

P.C. :-

1. The present writ petition takes exception to order dated 30/07/2025 passed by Respondent No.2-Sub Divisional Officer, Ahilya Nagar Division, Ahilyanagar in RTS Revision Application No. 344/2024 by which the order passed by the Mamlatdar/Tahasildar under Section 5 of the Mamlatdar's Courts Act (for short 'the Act') has been set aside and the matter is relegated back for reconsideration.

2. Respondent No.5 filed proceeding under Section 5 of the Act contending that the petitioner has obstructed his existing access way to approach the canal. The Mamlatdar caused inquiry into the matter and prepared a panchanama. As per the panchanama, access way has been destroyed and locked. However, learned Tahsildar observed that Respondent No.5 could not establish fact that there was existing way to

approach canal from the field of petitioner. Accordingly, application was dismissed.

3. Aggrieved by the order passed by the Mamlatdar, Respondent No.5 filed a revision application before the Sub Divisional Officer, Newasa. The learned Sub Divisional Officer observed that a careful reading of the spot map depicts marks of existing way. In this backdrop, it was incumbent upon the Mamlatdar to cause detailed inquiry, record statements of witnesses and arrive at definite finding as to existence or non existence of the access way as claimed by Respondent No.5.

4. In that view of the matter, an order of remand has been passed with directions to Naib Tahasildar to cause fresh inquiry into the matter. The reasoning adopted by Sub Divisional Officer appears to be consistent with settled legal position and factual backdrop of this case. In that view of the matter, this Court do not find any reason to interfere under Article 227 of the Constitution of India. Hence, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

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