

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14959 OF 2025

Dada Ramdas Nimse And Others

VERSUS

The State Of Maharashtra And Another

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Advocate for Petitioners : Mr. D.R. Adhav

APP for Respondent/State : Mr. S.D. Ghayal

Advocate for Respondent Nos.4 to 8 : Mr. V.V. Tarade

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 26, 2026

PER COURT :-

1. Present petition takes exception to order dated 17.11.2025 passed in Misc. Civil Appeal No.141 of 2025 passed by learned District Judge-5, Ahmednagar, thereby upholding judgment and order dated 04.10.2025 passed below Exhibit-5 in R.C.S. No.442 of 2025 by learned Civil Judge Senior Division, Rahuri, District Ahmednagar.

2. The petitioners suffered order under Section 5 of Mamlatdar's Courts Act, 1906. Their revision application before Sub-Divisional Officer under Section 23 of Mamlatdar's Courts Act, 1906 came to be rejected. Thereafter, petitioners/plaintiffs filed suit R.C.S. No.442 of 2025 before Civil Judge Senior Division, Rahuri seeking declaration that order passed by revisional authorities are not binding on them and perpetual injunction from creating access way as directed by Mamlatdar. The petitioners had also filed an application

below Exhibit-5 for temporary injunction against defendants/respondents. The Trial Court rejected said application vide order dated 04.10.2025. The petitioners assailed order of Trial Court by filing Misc. Civil Appeal No.141 of 2025 before District Judge, Ahmednagar, who rejected appeal thereby upholding order of Trial Court.

3. Learned advocate appearing for petitioner submits that order passed by Mamlatdar which is confirmed by Sub-Divisional Officer is passed without due process of law and, therefore, said order has no binding force. It appears from record that Tahsildar has carried spot inspection in proceeding under Section 5 of Mamlatdar's Courts Act and noted that there was existing way as claimed by defendants. On the basis of aforesaid panchnama, order for removal of obstruction was passed. *Prima facie*, Trial Court as well as Appellate Court found that exercise of jurisdiction by Mamlatdar was in tune with record and provisions of law. It is also observed that spot panchnama dated 17.04.2025 was caused in presence of both parties. The Mamlatdar as well as Sub-Divisional Officer has passed order after fair opportunity of hearing to petitioners. *Prima facie*, there is no material to show that order passed by concerned authority was abundantly illegal or without jurisdiction. The other contentions raised by petitioners can be considered and decided after due trial. However on *prima facie* consideration of material on record, both

Courts have formed an opinion that there is no illegality in order passed by Mamlatdar. In that view of matter, the Court refused to grant injunction as claimed by petitioners/plaintiffs.

4. In result, this Court finds no reason to entertain writ petition. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)