



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

78 WRIT PETITION NO. 13372 OF 2019

Popat Kundlik Gite

VERSUS

Bhausahab Namdev Gite And Others

...

Advocate for the Petitioner : Mr. Patekar Narendra B

AGP for Respondents: Mr. R. B. Dhaware

Advocate for Respondent Nos.1 to 4 : Mr. Chormal Ajit B.

...

WITH

CIVIL APPLICATION NO. 9843 OF 2025

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 26.03.2026

PER COURT :

1. Heard the learned counsel for the respective parties.
2. The petitioner is aggrieved by the order 02.08.2019 passed by the Deputy Collector, Ahmednagar in Revision Application No.17/2018, whereby the revision filed by respondent Nos.3 and 4 came to be allowed.
3. The learned counsel for the petitioner invited my attention to the panchnama at page No.25 and the sketch map at page No.27, and submits that the spot inspection carried out by the Tahsildar, reveals that the respondents had obstructed the way which was already in existence. It is further submitted that though the obstruction is reflected in the

panchnama, the Tahsildar has not properly considered the existence of the earlier road.

4. It is further submitted that the Tahsildar, after considering the material on record including the sketch map, allowed the application; however, the Deputy Collector reversed the said finding.

5. Per contra, the learned counsel for the respondents supported the impugned order and submits that the road was not in existence, which is evident from the panchnama. It is further submitted that in earlier proceedings, this Court had observed that once mutation entries are effected, interim relief ought not to be continued, particularly when such entries were made in the year 2023.

6. Having heard the learned counsel for the respective parties and upon perusal of the orders passed by both the authorities, as well as the panchnama and sketch map, it appears that the Tahsildar has not recorded a clear and proper finding regarding the existence of the road. The material on record indicates that at some point of time, a pathway may have existed; however, the report is not conclusive on this aspect.

7. In view of the above, the writ petition is partly allowed. The order dated 02.08.2019 passed by the Deputy Collector, Ahmednagar and the order dated 05.09.2018 passed by the Tahsildar, Ahmednagar are quashed and set aside. The matter is remanded to the Tahsildar, Ahmednagar, for fresh consideration.

8. The Tahsildar shall conduct a fresh spot inspection after giving

advance notice to all concerned parties. The Tahsildar may also issue notice to other agriculturists, if necessary. After receipt of the report, the Tahsildar shall decide the matter afresh within a period of four months from today, in accordance with law, after granting an opportunity of hearing to all concerned.

9. Needless to state that the interim order dated 11th September 2023 shall continue till the Tahsildar decides the matter on merits.

10. Pending civil application, if any, stands disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE