



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2036 OF 2026**

Dharmraj S/o Baburao Pawar,
Age.65 Yrs., Occ.Agri
R/o Javla, (khurd)
Tq.Kallam, Dist-Dharashiv

..Petitioner

Versus

1. The Sub Divisional Officer,
Kallam, Tal.Kallam Dist. Dharashiv.
2. Tahsildar Kallam
Tal.Kallam Dist. Dharashiv.
3. The Circle Officer Govindpur
Tal.Kallam Dist. Dharashiv.
4. The Gram Mahsul Officer/Talathi,
Village- Govindpur, Tal. Kallam Dist-Dharashiv.
5. Venubai Indrijeet Ghogare,
Age. 49 years, Occu- Agri,
6. Shrad S/o Indrijeet Ghogare,
Age. 31 years, Occu- Agri,
7. Rajendra S/o Shivaji Pawar,
Age. 33 years, Occu- Agri,
8. Hanumant S/o Ganpati Ghogare,
Age. 49 years, Occu- Agri,
All R/o Javla, (Khurd) Tq. Kallam,
Dist-Dharashiv.

..Respondents

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Mr. A. S. More, Advocate for Petitioner.
Mr. R. K, Ingole, AGP for Respondent-State.
Mr. V. D. Salunke, Advocate for Respondent Nos.5 to 7.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 09th JUNE, 2026.**

ORDER:-

1. The petitioner impugns order dated 14.10.2025 passed by
Mamlatdar in Wahivat Case No.2025/MAH/JAMA-2/KAVI-812 as
well as order dated 24.12.2025 passed by Sub Divisional Officer,

Kallam in File No.2025/ROR/CR-194, whereby petitioner has been directed to remove obstruction in customary way and injuncted from obstructing use of customary way by respondents.

2. The respondents filed proceeding under Section 5 of Mamlatdar's Courts Act contending that they owns land in Gut Nos.64/1 to 64/5 at village Javla (Khurd), Taluka Kallam, District Dharashiv. They contended that petitioner who is owner of Gut No.50 has created obstruction in use of customary way that has been used for approaching their field. In pursuance to petitioner's application Tahsildar caused spot panchanama and recorded findings that petitioner has created obstruction as claimed by respondents and directed its removal. The petitioner raised challenge to order passed by Mamlatdar in Revision under Section 23(2) of Mamlatdar's Courts Act before Sub Divisional Officer at Kallam, who pleased to upheld order of Mamlatdar.

3. Mr. More, learned Advocate appearing for petitioner submitted that application filed by respondents does not comply mandatory requirements under Mamlatdar's Courts Act and can never be given status of plaint. He would further submit that there is nothing to show existence of earlier customary way. Even spot panchanama does not show existence of cart way. He would, therefore, urge to quash and set aside orders impugned.

4. Per contra, Mr. Salunke, learned Advocate appearing for respondent nos.5 to 7 invites attention of this Court spot panchanama and submits that existence of customary way is discernible from spot map drawn by Tahsildar. He points out that petitioner has erected tin shed on number bandh of Gut Nos.64 and 65. As such, created obstruction in use of customary way.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that respondent nos.5 and 6 are owners of land Gut Nos.64/1 to 64/5. Their lands are situated towards South of lands owned by petitioner in Gut No.50. There appears number bandh between Gut Nos.65 and 64 that passes in South-North direction and reached to Shirdhon-Ekurla-Javla road. The petitioner who is owner of land in Gut No.50 appears to have constructed tin shed on number bandh and created obstruction in use of customary way. The Mamlatdar upon spot inspection recorded findings of such obstruction at the hands of petitioner. Eventually, passed order directing removal of obstruction.

6. The Revisional Authority i.e. Sub Divisional Officer concurred with finding of facts recorded by Mamlatdar. This Court finds that findings recorded by Mamlatdar, which has been confirmed by Sub Divisional Officer is based on acceptable evidence. The petitioner appears to have created obstruction on

number bandh on Gut Nos.64 and 65 by raising construction of Tin Shed. It appears that, Authorities have exercised jurisdiction vested with them in judicious manner. Hence, this Court do not find any good ground to exercise Writ jurisdiction under Article 227 of Constitution of India to cause interference in impugned order.

7. In result, Writ Petition stands dismissed.

8. Needless to state here that, petitioner shall be at liberty to avail alternate remedy before Civil Court to establish rights in accordance with law.

(S. G. CHAPALGAONKAR)
JUDGE