

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2425 OF 2026

Sheknath Mahadu Holkar

VERSUS

Prabhakar Mahadu Holkar And Others

...

Advocate for the Petitioner : Mr. Tilve Akshay Subhash

AGP for Respondent/State : Mrs. P.V. Diggikar

Advocate for Respondent Nos.1 & 2 : Mr. A.G. Shinde h/f Mr. R.V.
Gore

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 07, 2026

PER COURT :-

1. Present writ petition takes exception to order dated 06.02.2026 passed by District Judge-12, Chhatrapati Sambhajnagar in Misc. Civil Appeal No.114 of 2025, thereby upholding order dated 28.08.2025 passed below Exhibit-44 by Civil Judge Senior Division, Chhatrapati Sambhajnagar in R.C.S. No.506 of 2023, whereby petitioners application for grant of temporary injunction has been rejected.

2. The petitioner is plaintiff in R.C.S. No.506 of 2023. The suit is instituted raising challenge to order dated 08.05.2023 passed by respondent/Tahsildar in exercise of powers conferred under Section 143 of Maharashtra Land Revenue Code. The learned Tahsildar allowed proceeding filed by respondents and directed to create 8 feet wide road from bandh Gat Nos.149 and 147 to approach

Gat No.143. The Tahsildar relied upon spot panchnama and recorded finding that respondents had no alternate way to approach their field.

3. The Trial Court as well as Appellate Court considered the legality and validity of order passed by Tahsildar. The Appellate Court observed that cart road shown in village map is not in existence by which defendant nos.1 and 2 can approach Gat No.143. The Appellate Court found that exercise of powers by Tahsildar while granting way in favour of respondents is proper.

4. *Prima facie*, there is no jurisdictional error by which exercise of powers under Section 143 (3) of Maharashtra Land Revenue Code by Tahsildar can be said to be illegal. Learned District Judge rightly approved order of Tahsildar on *prima facie* consideration of material on record of suit. The contentions of petitioner can be dealt with during course of trial. However, at this stage grant of temporary injunction when there is no existing road to defendant nos.1 and 2 to reach their field would be uncalled for. In this contingency, if road is created from bandh, no prejudice would be caused to petitioner. On the other hand, respondents are likely to suffer irreparable injury. *Prima facie*, plaintiff failed to make out case for grant of injunction, balance of convenience tilts in favour of defendant. Even if road is created from bandh that would be subject to final outcome of suit. The plaintiff would not suffer irreparable

loss if common bandh is used for creating road for approach of defendants to their field.

5. In result, no case is made out to cause interference in impugned order under Article 227 of Constitution of India. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)