



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

902 WRIT PETITION NO. 4375 OF 2026

Gangubai Bhikan Mali

VERSUS

The State Of Maharashtra

...

Advocate for Petitioner : Mr. P. P. Jadhav

AGP for Respondents: Mrs. R.R. Tandale

Advocate for Respondent-4 : Mr. A.R. Syed

...

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 09, 2026

**PER COURT :-**

1. Present writ petition takes exception to the order dated 19.9.2025 passed by the Tahsildar/Mamlatdar in Vahivat Case No.92 of 2025 as well as the order dated 23.02.2025 passed by the learned Sub Divisional Officer, Chalisgaon in Vahivat/Revision/130/2025, thereby confirming the order passed by the Mamlatdar.

2. Learned advocate appearing for the petitioner submits that there is absolutely nothing on record to show that petitioner has obstructed existing customary way as claimed by the respondent. By inviting attention of this Court to the spot panchaama, he submits that there is nothing to show any sort of obstruction created by the petitioner. According to him, the

way on which respondent has claimed right is private way maintained by the petitioner in her land.

3. On the other hand, learned advocate appearing for respondent no.4 points out that after railway underpass customary way was in existence for ingress and out-gress for respondent no.4 in her field which has been blocked by the petitioner. Perusal of findings recorded by the authorities shows that petitioner has created obstruction to the use of existing way by the respondent no.4.

4. On consideration of the spot map drawn by the Mamlatdar and pleadings of the parties, it is apparent that petitioner has caused obstruction to the use of existing way by respondent no.4. The findings of fact recorded by both the authorities is in tune with material on record. No case is made out to cause interference under Article 227 of the Constitution of India. Hence, writ petition stands **rejected**.

5. Needless to state here that petitioner may avail the remedy before Civil Court as is permissible under law. The observations herein above are made only for the purpose of deciding present writ petition and shall not come in the way of petitioner, if she exhausts available remedy under law.

( S. G. CHAPALGAONKAR, J. )