IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

911 WRIT PETITION NO. 5272 OF 2026

Prakash Ramchandra Abdar ...Petitioner

Versus

Lakshman Raghunath Aabdar And Ors. ...Respondents

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Adv. Kalpesh Patil a/w Adv. Rahul Patil and Adv. Aditya R. Patil, for Petitioner.
Adv. Vishram A. Kadam, for Respondents.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 9th OCTOBER, 2026.

P.C. :

Heard.

2. The Writ Petition is directed against the concurrent findings of fact recorded by the authorities while granting relief to the private respondents under Section 5 of the Mamlatdars' Courts Act, 1906 (hereinafter referred to as "the Act" for the sake of convenience and brevity).

3. Learned counsel for the petitioner submits that the claim is barred by limitation. The application under Section 5 of the Act does not spell out specific approach road claimed by the respondents. The

road claimed by them does not exist, and creation of road is not permissible under that specific law. It is further submitted that panchnama conducted by the revenue authorities are too incompatible to the claim of the respondents. Both the Courts below have usurped the jurisdiction and granted relief. It is further submitted that the relief which is not solicited has been granted, which is perverse.

4. Per contra, learned counsel for the respondent supports impugned order. It is submitted that the petitioner has already filed RCS No. 156 of 2026 for injunction against the respondent No. 1, which is pending.

5. The concurrent finding of facts have come to the fore in this petition. Application under Section 5 of the Act refers to Section 143 of the Maharashtra Land Revenue Code, 1966. But considering its content, it cannot be said that those are the proceedings under Section 143 of the Code. The application describes the approach road, but not in great detail. The panchnama was conducted by two revenue authorities, which give some picture regarding the approach road claimed by the respondents. Both the authorities have considered the village map, panchnama, and decided against the petitioner. The application shows cause of action as December - 2024. The proceedings are filed on 16.04.2025. I do not find any substance in the submission of the petitioner that claim is barred by limitation.

6. Considering overall conspectus of the matter, I find that petitioner has raised disputed questions of facts. Petitioner has also filed RCS No. 156 of 2026 for injunction against the respondent No. 1 before Competent Civil Court. The suit is sub judice. The petitioner can agitate the grievance before the substantive proceedings. The proceedings under Mamlatdars' Courts Act are summary in nature and are devised for stop-gap arrangement. The findings recorded by the authorities under Mamlatdars' Courts Act are not binding as such upon the Civil Court.

7. I do not find that any patent illegality or perversity is committed by both the authorities below. No case is made out to cause interference in the writ jurisdiction. The Writ petition is dismissed.

8. It is clarified that the observations recorded in this order are *prima facie* in nature and would not be an impediment for the parties to agitate their claim before Competent Civil Court.

9. Learned counsel for the petitioner prays for continuation of the *status quo* which was granted by Sub-Divisional Officer.

10. The Sub-Divisional Officer decided the matter on 29.07.2026. The suit was pending. It was open for the petitioner to immediately approach the Civil Court seeking some protection or relief. I am not inclined to accept the request. The prayer is rejected.

[SHAILESH P. BRAHME, J.]