

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6011 OF 2024

Pravin Madhukar Jagtap And Ors ...Petitioners
Versus

The Tahasildar Wadgaon Maval And Ors ...Respondents

Mr. Sachin S.Punde, for the Petitioner.

Mr. Parth Turakhia i/b AAK Legal for Respondent Nos.3 A to 3 D.

Smt. Savina R. Crasto AGP for State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 24, 2026

ORDER :

1. The challenge in this Petition is to an order dated October 31, 2023, which, *inter alia*, issues directions in respect of the land belonging to Petitioners Nos.1 and 2 (Gat No.28/1) and land belonging to Petitioner No.3 (Gat No.30/1). The proceedings that culminated in the Impugned Order were initiated by a letter dated June 27, 2022, issued by the Gram Panchayat to the Tahsildar.

2. Thereafter, it appears that on July 14, 2022, a letter from the Sarpanch appears to withdraw the request for intervention made by the

letter dated June 27, 2022. However, it appears that neither of these two letters referred to Gat No.28/ 1 and Gat No.30/1.

3. The grievance of the Petitioners is that not only is due process under the Mamlatdar's Courts Act, 1906, in terms of a proper Petition under Section 5 or the due process pursuant to an informal Petition under Section 7, not been followed but also the very letters that led to the process do not make any reference to their lands. The access in question is available, according to the Petitioners, through public roads. This is contested on behalf of Respondent Nos. 3A to 3D, which is a Gram Panchayat and its office bearers. They contend that there had been access to a crematorium and to a dam which was regularly being used, but that access has been hindered by excavation with the assistance of machines by the Petitioners and also by placing stones and blocking access.

4. The Panchanama in question (found at page 51 of the Petition), according to the Petitioners, does not point out that public access is indeed available. These are questions of fact which need to be dealt with squarely. This is where the absence of a proper Petition under Section 5 or due process pursuant to an informal Petition under Section 7, and the absence of any reference to Gat No.28/1 and 30/1 in the

letters written by the Gram Panchayat to the Tahsildar, which culminated in the Impugned Order, makes it necessary to intervene. The intervention, in any case, being made in this order is restricted only to the lands owned by the Petitioners, namely Gat No.28/1 and Gat No.30/1.

5. It is considered appropriate to pass the following order:

- A] The Impugned Order is interfered with only to the limited extent of the reference it makes to Gat No.28/1 and 30/1, by remanding the consideration of the issues relating to these two parcels of land to the Mamlatdar for an appropriate consideration.
- B] The Gram Panchayat is given liberty to file a proper Petition under Section 5 of the Mamlatdar's Courts Act, 1906, setting out in precise detail the factual matrix that would fall for consideration in respect of relief sought against the Petitioners.
- C] Once such a Petition is filed by the Gram Panchayat, in accordance with the due process stipulated under the Mamlatdar's Courts Act, 1906, the concerned authority

shall be at liberty to deal with the same, including the making of a Panchanama with precise specificity, so that the Petitioners would know the case that they have to meet in this regard.

6. In view of the aforesaid directions, the Petition is finally *disposed of*.

7. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]