
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10012 OF 2024

Sanjay @ Ganesh Ramdas Gunjal

....Petitioner

Versus

Anandkumar Madhavrao Dhumne & Ors.

....Respondents

Mr. Sugandh Deshmukh *a/w. A.W. Aniket Kanawade, Bhushan G. Deshmukh, Vaibhav Thorave, Aryan M. Deshmukh, Irvin D'Souza, & Karishma Shinde, for Petitioner.*

Mr. Balasaheb Deshmukh, *for Respondents.*

Mr. Y.D. Patil, *AGP for State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 21, 2026

ORAL JUDGEMENT :

1. Rule. Made returnable forthwith, and by consent of parties, taken up for final hearing.
2. This Petition impugns an Order dated April 25, 2024 (***“Appellate Order”***) passed by the Learned Sub-Divisional Officer, Junnar-Ambegaon, Sub Division Manchar, Pune (***“Appellate Authority”***) in RTS Appeal No.235 of 2022, by which the Appellate Authority refused to interfere with the decision taken by the Learned Mamlatdar in respect of right of way granted to Respondent No.1, Anandkumar Madhavrao

Dhumne (“*Anandkumar*”) by an Order dated April 27, 2022 (“*2022 Order*”). Both the Appellate Order and the 2022 Order are impugned in this Petition (“*Impugned Orders*”).

3. The facts underlying this Petition may be summarized thus :-

A]The Petitioner is one of the co-owners of Gat No.58 along with 17 other co-owners. Anandkumar had acquired Gat No.57 from the Petitioner/his predecessors in interest, and such acquisition is said to have been believed by them to include over 6.5 Ares of land, which is claimed by the Petitioner as falling in Gat No.58 and not as part of what was sold to Anandkumar; and

B]Anandkumar has contended that he always had a right of way through the land, which is now asserted as forming part of Gat No.58, and that the Petitioner has started ploughing and cultivating the land that was being used by him as an access road to Gat No. 57 for the last 27 years. The sale deed, by which Anandkumar acquired Gat No.57 does make a reference to a right of way. Anandkumar claims that it is he who put up a gate at the spot where the right of way connects to the main road and the said gate is now being locked by the Petitioner, due to which proceedings under the of the

Mamlatdar's Courts Act, 1906 ("***Mamlatdar Act***") eventually got underway.

4. The Petitioner's grounds of attack to the Impugned Orders may be summarized as follows :-

A]The proceedings initiated before the Mamlatdar were barred by limitation (six months under the Mamlatdar Act) inasmuch as Anandkumar had filed a complaint with the local police authorities on January 19, 2021 and the cause of action can be said to have arisen right then. The application before the Mamlatdar was filed only on June 28, 2021;

B]The plaint filed by Anandkumar before the Mamlatdar is not in conformity with the provisions of Section 7 of the Mamlatdar Act, and therefore, the Petitioner was presented with an ambiguous situation, being unable to deal with the specific nature of the complaint, the statutory requirement that contents of the plaint must meet, having been violated; and

C]An alternate access to the main road is indeed available and it is wholly unnecessary for the Impugned Orders to have granted access through the lands belonging to the Petitioner.

5. I have heard Mr. Sugandh Deshmukh, Learned Advocate for the Petitioner and Mr. Balasaheb Deshmukh, Learned Advocate for Anandkumar, and with their assistance, examined the material on record.

6. As regards limitation, the very foundation on which limitation is claimed is wholly untenable. By the Petitioner's own showing and it being reduced to writing in written submissions, the period of limitation ought to be counted from January 19, 2021, when a complaint was made to the police. Admittedly, the plaint was filed before the Mamlatdar on June 28, 2021. Even if this admitted position was to be taken into account, the application was filed well within the period of limitation of six months, and it is wholly facetious to contend that limitation was at all a factor involved.

7. Moreover, as a matter of fact, Anandkumar filed an informal Petition before the Tahsildar on March 9, 2021 prior to the formal plaint on June 28, 2021. Even if the contention that the informal Petition was not filed before the Mamlatdar, but was filed before the Tahsildar, is accepted, the formal plaint filed on June 28, 2021 is well within the six-month period commencing on January 20, 2021. Therefore, the contention on limitation is wholly baseless and irrelevant.

8. It is unnecessary to burden this judgement with the detailing of the scheme of the Mamlatdar Act inasmuch as it is already well articulated in multiple judgements. Suffice it to say, the scope of jurisdiction under this Act is to enable a reasonable and informal summary procedure that could be available proximate to the place where the cause of action arose, by which the local district administration is equipped to ascertain the factual matrix on the ground, and take appropriate prompt decisions.

9. Bearing this in mind, the contentions of the Learned Counsel for the Petitioner need to be examined. It is clear that the sale deed, by which Anandkumar had acquired land from the predecessors of the Petitioner, specifically entails a reference to right of way. So also, the land agreed to be acquired under the Sale Deed, when aggregated with the area covered by the right of way granted by the Mamlatdar, tallies and aggregates with the land acquired under the sale deed.

10. It is Anandkumar's case that some time in 2021, the Petitioner started cultivating the land on which the right of way had been enjoyed by him for over 27 years. Towards this end, the gate constructed by Anandkumar, connecting it to the main road was also locked. This led to the filing of criminal complaint on January 19, 2021 and forthwith, an application was filed before the Tahsildar about the problem. This may be treated as the informal complaint in the nature of the plaint

referred to in Section 8 of the Mamlatdar Act. The informal petition is meant to be treated as a plaint, if it is not in conformity to the form in which it is to be presented.

11. The District Authorities had obviously called upon Anandkumar to present the plaint in a formal fashion and that formal plaint was also presented on June 28, 2021. It is not in doubt upon reading of the material on record that both the informal petitions dated March 9, 2021 as well as the formal plaint dated June 28, 2021 were available in a composite manner to the Petitioner for him to be able to appreciate the issues involved, and thereby, the contents of Section 7 were evidently available to him.

12. That apart, it is seen from the record that two separate *panchnamas*, proximate to the complaint made by Anandkumar, were carried out first by the Talathi on March 26, 2021 and next by the Mandal Adhikari on January 21, 2022. Both these *panchnamas*, inexorably and unequivocally point to the right of way being available through the portion of land forming part of Gat No.58, the title to which belongs to the Petitioner.

13. It is on this basis that the Petitioner was called upon to give his say. Having considered the Petitioner's say, at which time no objection was raised either about the inability to understand the cause of action

presented to the Petitioner or about the limitation, after hearing the parties, the Impugned Orders came to be passed.

14. The 2022 Order deals with the entire factual matrix and also points to the two *panchnamas*. In addition, it is apparent that in discharge of his duties and powers under the Act, the Mamlatdar has himself also verified the factual position on the ground and has come to pass the 2022 Order. On appeal, having found that there is no need to interfere with the position, the Appellate Authority has refused to interfere.

15. It must be remembered that this Court is sitting in the writ jurisdiction and it is not for this Court to conduct a new trial or to lightly disturb the two concurrent justifiable and reasoned findings returned by the authorities below. In these circumstances, when one looks on the overall material on record, what is evident is that land to the extent of 6.5 Ares falling within Gat No.58 was indeed being used by Anandkumar for access to the main road. It is also apparent that there is no other part of Anandkumar's land that could potentially be connected to the main road, and this is a strip through which, connection to the main road has been enjoyed for 27 years.

16. It is precisely to deal with situations of this nature that the Mamlatdar Act enables a summary and informal access to justice without compromising on principles of natural justice, whereby the

defendants in a suit before the Mamlatdar is able to appreciate the nature of the grievance and present his say. Evidently, neither of the two objections raised in this Petition, both on limitation as well as on the non-conformity of the plaint with the requirements of Section 7 of the Act was raised before the authorities below. This can only point to a reasonable conclusion that the Petitioner had no doubt in his mind about the nature of the case that he needed to meet. Having participated in the proceedings with full notice as to what was the issue to be dealt with, both these technical legal objections raised on non-conformity with due process, and compliance with statutory requirements, do not appeal to me. Therefore, in my opinion, no intervention is required to be made.

17. Likewise, as regards, the availability of access through other means, which squarely falls within the domain of the two authorities below, two concurrent findings, after participation by the Petitioner, having returned unexceptionable findings. In exercise of the writ jurisdiction, it would be wholly inappropriate for this Court to interfere and comment upon whether any other plausible view could have been returned by the authorities below. No infirmity with due process having been found, in my opinion, the Petition is liable to be *dismissed*.

18. Purely owing to the persuasive skills of Mr. Sugandh Deshmukh, costs are not being imposed.

19. 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.]