

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13722 OF 2024

Mohan Gangaram Shinde and Ors.

...Petitioner

Versus

Deputy Collector and Ors.

...Respondents

Mr. Purushottam Chavan *i/b Mr. Vanraj Shinde, for the Petitioners.*

Ms. Pooja Patil, *AGP for the State.*

Mr. Saurabh P. Patil *a/w Kiran Shinde for Respondent Nos. 3 to 10.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 16, 2026

ORDER :

1. Having heard the parties at some length and having examined the records with their assistance, it is apparent that the order impugned is in fact an order allowing a challenge by the Petitioners seeking a declaration that the proceedings conducted by the Tahsildar had not been in accordance with the Mamlatdar's Courts Act, 1906 ("***the Act***").

2. What the Learned Deputy Collector has done is direct a re-investigation into the issues so that the precise nature of the obstruction and the persons responsible for it can be ascertained to enable a fresh adjudication of the issues involved. That apart, within weeks of the impugned order, by an application dated July 31, 2024, the Petitioners themselves have sought a re-investigation based on the very impugned order which is now assailed in this Petition.

3. In these circumstances, the following order could dispose of this Petition balancing the interests of all parties in exercise of the extraordinary jurisdiction of this Court:

A) The Petition is disposed of with the explicit clarification that the impugned order, insofar as it directs a fresh investigation into the matter, which direction is in fact supported by the Petitioners, not being set aside;

B) The Original Complainants, who are Respondent Nos. 3 to 8 in this Petition, would have liberty to file a fresh plaint invoking the Act so that due process is followed and the Petitioners are not left in any doubt about the specific contentions that they have to meet;

C) The issue of joint ownership and joint responsibilities of the land in question shall also be adjudicated when a fresh plaint is filed;

D) The District Administration shall examine the facts on the ground and draw up a *Panchnama* and shall make the records available to the Mamlatdar for conduct of trial of the new plaint that the aforesaid Respondents would file with the Mamlatdar.

4. The Original Complainants submit that they would file a fresh plaint invoking the Act within a period three weeks from the upload of this order on the website of this Court. Once such plaint is filed, the Mamlatdar shall proceed in accordance with law and carry out the procedures under the Act and give the parties a fresh opportunity to explain their position and take such appropriate measures as permissible in law.

5. It is clarified that the subject property is Gat No. 52/1 and it is made clear that the challenge in this Petition and all observations made here are in respect of the aforesaid land parcel. Needless to say, should there be any basis to make any grievances about obstruction on

any other parcel of land, the same would be dealt with in accordance with law.

6. 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.]