



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 4513 OF 2024**

Bablu Mahadev Tayade and another

Vs.

Shriram Narayan Bhange and others

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri P K. Raulkar, Advocate for petitioners.  
Shri A. M. Tirukh, Advocate for respondent no. 1.  
Ms. D. V. Sapkal, AGP for respondent nos. 2 and 3/State.

**CORAM :- M. W. CHANDWANI, J.**

**DATED :- 23.01.2026**

Heard.

2. The petition challenges the order dated 09.11.2023 passed by respondent no 2- Naib-Tahsildar, Balapur, District Akola in the suit filed by respondent no.1/original plaintiff whereby, the complaint filed by respondent no. 1 under Section 5 of the Mamlatdar's Court, 1906 was allowed and the petitioners were directed not to restrain respondent no. 1 from approaching his field. The said order was carried by the petitioners in revision before the respondent no. 3- Sub-Divisional Officer, Balapur which came to be rejected vide order dated 01.07.2024, which is also under challenge in this petition.

3. The only ground raised in this petition by the petitioners is that the respondent no. 2- Naib-Tahsildar

has not considered the three affidavits of the adjacent land owners filed by the petitioners while arriving at the findings about existence of the road through the Nala and thereafter to Gat No. 34.

4. Evidently, the order does not consider the affidavit of the witnesses therefore, the matter is required to be remanded back to respondent no. 2- Naib-Tahsildar, Balapur to consider the affidavits of the adjacent land owners filed by the petitioners in support of their defence.

5. Respondent no. 1 shall be entitled to cross-examine those witnesses, if he wishes to do so. Respondent no. 2- Naib-Tahsildar shall decide the dispute within two months from the date of receipt of the order.

6. Needless to mention that the remand of the matter has been made for consideration of this point only.

7. The petition is disposed of in the abovesaid terms.

(M. W. CHANDWANI, J.)