



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO. 4294 OF 2025

SWAPNIL S/O SURESH PATIL VS. SUB DIVISIONAL OFFICER, KARANJA LAD, WASHIM
AND OTHERS

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.D. Girdekar, Advocate for petitioner.
Ms. K.H. Bhondge, AGP for respondent Nos.1 & 2/State.
Mr. T.U. Tathod, Advocate for respondent Nos.4 & 5.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 18.04.2026

Heard learned counsel for the petitioner as well
as learned AGP for respondent Nos.1 & 2/State and
learned counsel for respondent Nos.4 & 5.

2. The petitioner's challenge is to order dated
02.05.2025 passed by the respondent No.2 – Mamlatdar,
Washim and order dated 08.07.2025 passed by the Sub-
Divisional Officer, Karanja Lad, District – Washim.

3. By these orders, the applications filed by
respondent Nos.4 & 5 came to be allowed directing the
petitioner to remove the impediment and grant approach
way from his land from the eastern boundary of the
petitioner's land.

4. Learned counsel for the petitioner submits
that the impugned orders are passed by the Mamlatdar by
relying on a spot inspection report dated 13.06.2024,

which has been conducted by the Circle Officer and the Talathi, without giving any notice to the petitioner or the other adjoining owners. He submits that based on this spot inspection report, the Mamlatdar has inferred that the petitioner has created impediment in the right of way of the respondents for approach to their respective fields. He submits that relying on the observations of the Mamlatdar, the Sub-Divisional Officer has passed the impugned order and rejected the revision application. He also submits that the revisional authority has not even recorded any independent finding on merits and in the reasoning part, there is a reference only to the narration of dates of the proceedings. He, therefore, submits that the impugned order passed by the revisional authority is unreasoned and unsustainable in law.

5. Learned AGP as well as learned counsel for respondents opposed the petition and submitted that the authorities have recorded concurrent findings in view of the existence of earlier right of way in favour of the respondent Nos.4 & 5, which is also reflected from the spot inspection report. It is therefore, submitted that the authorities have passed the well reasoned orders warranting no interference on any count.

6. While considering the controversy, it has to be seen that the Mamlatdar as well as the Sub-Divisional Officer has passed the impugned orders by primarily

considering the spot inspection report dated 13.06.2024. A perusal of this report shows that it is signed by the Circle Officer as well as Talathi however, it does not at all mention presence of any other persons. There is nothing on record to show that the petitioner was given any notice before conducting the spot inspection report on the basis of which the authorities have recorded their inferences. As such, the contentions of the petitioner that the impugned orders were passed by violating the principles of natural justice appear to be sustainable.

7. It is also to be noted that the spot inspection report although mentions that the petitioner has no approach way, however, at the same time, it records that there is no impediment created by the petitioner. As such, the spot inspection report cannot be considered to be conclusive for arriving at any findings.

8. In view of this, the impugned orders based on the spot inspection report are unsustainable and the matter needs to be remanded to the authorities for considering the entire controversy afresh by directing fresh spot inspection and by granting due opportunity to the parties concerned.

9. Accordingly, following order is passed:

ORDER

I) The writ petition is allowed.

II) The impugned orders passed by the Mamlatdar as well as Sub-Divisional Officer, are quashed and set aside. The matter is remitted back to the Mamlatdar-respondent No.2 to consider the application filed by the respondent Nos.4 & 5 afresh by directing fresh inspection of the spot and conduct of spot panchnama.

III) While conducting fresh spot panchnama due notice be given to the parties including the petitioner and respondent Nos.4 & 5 and the respondent No.2 shall then proceed to decide the application moved by the respondent Nos.4 & 5, treating it as a plaint under Section 5 of the aforesaid Act.

IV) It is clarified that the authorities are directed to consider the applications afresh on the basis of fresh spot panchnama and pass final orders without being influenced by the orders impugned herein and the observations recorded by this Court.

10. Parties shall remain present before the respondent No.2 – Mamlatdar on **27.04.2026**. The respondent No.2 shall endeavour to dispose of the application filed by the respondent Nos.4 & 5 within six weeks from the date of uploading of this order.

11. The writ petition is accordingly disposed of.

(Prafulla S. Khubalkar, J.)