

ORDER PASSED BELOW EXH.5 IN RCS NO.181 OF 2026
(Shri. Bapu Dnyanu Bitle and Ors. Vs.State and Ors.)

Plaintiffs have instituted this suit for declaration and perpetual injunction wherein the present application is filed for temporary injunction restraining defendants nos. 2 to 4 from illegally creating any road through suit properties, on the basis of orders dated 07.06.2023, 25.11.2025 and notice dated 20.05.2026.

2. Perused the plaint, application Exh.5 and the documents filed on record. Heard Ld. Counsel for plaintiffs. On perusal of record, it transpires that in this suit the order dated 07.06.2023 passed by Tahsildar under Section 143 of Maharashtra Land Revenue Code is challenged. The order is mainly disputed on availability of alternate road. However, in the order dated 25.11.2025, of Additional Divisional Commissioner Pune, it is observed that, as per panchnama prepared by Tahsildar, there is no alternate road for said defendants. Further, it is also observed in the said order that plaintiffs have not availed of the opportunity of giving evidence of existence of alternate road at the time of spot inspection. Further, apparently the road seems to be given from the boundaries. So also, in this application Exh.05, the relief is claimed against the Government Officers i.e. defendants nos. 2 to 4 and no relief is prayed for against defendants nos. 5 to 18 in whose favour the alleged order seems to be passed. Further, the last order seems to be passed on 25.11.2025 itself. In these circumstances, I am of the opinion that immediate interference

of the Court is not warranted and the defendants are to be heard before passing any order. Hence, the following order ;

ORDER

1. Issue notice to defendants nos. 2 to 4 calling upon them to show cause as to why injunction prayed for should not be granted, R/o 01.06.2026.
2. E.P., S.B. is allowed, if prayed for.

Place : Satara.

Date – 22.05.2026

(Mrugendra M. Bavare)

7th Joint CJSD Satara,
I/c CJSD Vaduj.