

**ORDER BELOW EXH.05**

Perused the application and record of the suit. Heard learned advocate Mr. J.V. Bajaj appearing on behalf of the plaintiffs.

02) The suit is filed for declaration that the order passed by the learned Tahsildar (Defendant No.4) dated 15/06/2026 is null and void and for the perpetual injunction to restrain the defendants for acting upon the said order. Plaintiffs claim to be owners and possessors of an area of 2H 70R land out of gat No.211/1 which is total admeasuring 3H 80R at village Shiur Tq. Dist. Latur.

03) Record shows that defendants Nos.1 and 2 had filed an application before the learned Tahsildar under Section 5 of the Mamlatdar Courts Act on 28/02/2022 for removal of alleged obstruction in the road passing through gat No.211/1 on the basis of an unregistered agreement dated 09/05/2005. After inquiry and inspection, learned Nayab Tahsildar allowed the said application vide order passed dated 28/04/2023 and directed for removal of the obstructions on the common boundary of gat No.213 and 211/1. Said order was assailed by present plaintiffs before the learned Sub-Divisional Officer in Revision Application. Learned S.D.O. set aside the order passed by the learned Tahsildar dated 28/04/2023 and directed fresh inquiry, spot inspection and to decide the dispute on merits.

04) During the re-hearing of the application, plaintiffs had filed an application on account of tenability of the proceeding under the Mamaltadar Courts Act. The learned Tahsildar passed an order on 30/04/2025 on the said application of plaintiffs and disposed off the original application/proceeding filed by defendant Nos.1 and 2.

05) Subsequently, on 15/06/2026 defendant Nos.1 and 2 again filed fresh application to the Tahsildar for clearance of the road on the basis of same agreement dated 09/05/2005. Upon the said application, the learned Tahsildar issued directions to the Circle Inspector, Harangul vide letter dated 15/06/2026 (signed by the Tahsildar on 16/06/2026). In the said letter, the Tahsildar has observed that as per the record of his office, the agreement dated 09/05/2005 is not declared as void nor any matter is pending before the Court in respect of the said agreement. With these reasons the learned Tahsildar directed the Circle Inspector to clear the road passing through gat No.211/1. Accordingly, the Circle Inspector served notices upon the plaintiffs on 10/06/2026. Plaintiffs raised written objections to the said notices on 15/06/2026. A copy thereof also appears to be given to the District Collector, Latur and other authorities. Thereafter, on 16/06/2026 the Circle Inspector visited the spot and prepared panchanama. On 20/06/2026 the Circle Inspector addressed a letter to the Tahsildar stating the facts noticed at the time of spot inspection and objections raised by the plaintiffs.

06) In this backdrop, recently, the Circle Inspector presented another application to the learned Tahsildar on 03/08/2026, informing that a date i.e. 19/08/2026 has been fixed for clearance of the road having 6 ft width in gat No.211 in reference to the earlier directions of the Tahsildar dated 15/06/2026. By the letter dated 03.08.2026, the Circle Inspector has requested the learned Tahsildar to direct the office of Land Records and Police Department to provide assistance for the proposed action to be taken on 19.08.2026. Acting upon the said letter, learned Tahsildar has issued letters to the learned

DSLRL, Latur and Police Inspector, Murud Police Station on 03/08/2026 informing the concerned officers about the action to be taken on 19/08/2026 for clearance of the road in gat No.211/1 of the village Shiur and to make necessary arrangements to assist the Circle Inspector. Thereupon, the Circle Inspector has served notices upon the plaintiffs on 07/08/2026 to inform that the work of clearance of the road having 6ft width in Gat No. 211 will be commenced and completed on 19/08/2026 between sunrise and sunset.

07) From the aforesaid entire scenario it is seen that defendant Nos.1 and 2 have claimed a right of way on the basis of unregistered agreement dated 09/05/2005 allegedly executed by Pandurang Suryawanshi i.e. deceased father of plaintiff Nos.1 and 2. Interestingly, the revenue authorities including the Tahsildar as well as the S.D.O. had refused to act upon the said agreement and the earlier application filed in the year 2022 by defendant Nos.1 and 2 came to be disposed off in the year 2025. However, now again the action has been initiated on the same grounds on the basis of application given by the same persons i.e. defendant Nos.1 and 2 on 15/06/2026.

08) Evidently, while giving directions to the Circle Inspector vide letter dated 16/06/2026, the learned Tahsildar has specifically noted that the agreement dated 09/05/2005 is not yet declared null and void nor any suit is pending before the Court in respect of the said agreement. However, the learned Tahsildar appears to have ignored the earlier observations and findings of his office as well as the learned S.D.O. in respect of the same dispute. Admittedly, the plaintiffs have raised the objections to the notices served upon by them. In spite

of that, the learned Tahsildar has given directions to clear the alleged road under the supervision and assistance of the learned DSLR and the police authorities. In the present suit, plaintiffs have seriously challenged the alleged agreement dated 09/05/2005 wherein a road appears to be given to the predecessor in title of the defendant Nos.1 and 2. In such circumstances, if the concerned authorities are allowed to continue with the action proposed by them on 19/08/2026, it would cause serious prejudice to the plaintiffs and also the purpose of the suit will be frustrated. The plaintiffs have prima-facie shown strong case to grant ad-interim injunction in their favour at this stage. Therefore, it is necessary to stop the proposed action on the part of the revenue authorities on 19/08/2026 on the basis of the impugned letter dated 15.6.2026. With these observations, I pass the following order :

### **ORDER**

- 1) The defendants are hereby restrained from acting upon the notice and the directions issued by the Tahsildar (defendant No.4) dated 16/06/2026 and subsequent orders on the basis of the application of defendant Nos.1 and 2 dated 15/06/2026 till their appearance and filing reply to this application.
- 2) Plaintiffs to comply under Order 39 Rule 3 of the Civil Procedure Code.
- 3) Issue notices to the defendants returnable on 27/08/2026.

Place : Latur  
Date : 17/08/2026

( Pravin R. Navale)  
2<sup>nd</sup> Jt. Civil Judge S. D., Latur