

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14497 OF 2024

Kiran Somnath Gangurde

...Petitioner

Versus

Gangadhar Paraji Shinde & Ors

...Respondents

Mr. Sachin Chavan, for the Petitioner.

Mr. K.N. Kandekar, for Respondent Nos.1 & 2.

Mr. P.V. Nelson Rajan, AGP for Respondent-State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 11, 2026

ORDER :

1. The order impugned in this matter is the order of the Mamlatdar dated July 31, 2023, by which, the Respondents in the proceedings before the Mamlatdar, in particular, Respondent Nos.2 and 3 had been directed to remove certain obstructions complained of to a *nullah* as well as a road.

2. This order was challenged before the Learned Deputy Collector and Sub-Divisional Officer who by an order dated September 4, 2024 refused to interfere.

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3. Curiously, while two Respondents in the Mamlatdar proceedings have been directed to remove the alleged obstruction, only one of them has come before this Court without making the other a party. In any case, the Petitioner who was Respondent No.2 in the original proceedings submits that the obstructions complained of are not on his land.

4. In these circumstances, it would be appropriate to direct the Petitioner to make all the other Respondents in the proceedings that led to the impugned order being passed, as Respondents in this Petition so that, before exercise of the extraordinary jurisdiction vested in the Writ Court, a full picture would be available to the Court.

5. That apart, since by an order dated October 18, 2024, a statement made by the Learned AGP indicating that no action was expected to be taken until the next date of hearing was recorded, it appears that the impugned order has not been acted upon at all by the local administration although more than a year and a half has passed.

6. Taking into account the statement by the Petitioner that the obstructions complained of are in any case not in his land, no action can be contemplated on the land of the Petitioner. It is also clarified that since none of the other Respondents have come to Court, there shall be

no further stay on the implementation of the impugned order and the local administration may act on the same. If the obstruction complained of is not on the Petitioner's land, and none of the others against whom the impugned order is directed have come to court with a grievance, the State shall ensure that the obstructions complained of are removed.

7. List on February 24, 2026, for further consideration to enable taking a view on whether the Petition is still worth pursuing, depending on the instructions to be obtained by Advocate for the Petitioner.

8. Considering that there is no restriction on the impugned order and none of the other Respondents on whose land the obstruction exists have chosen to challenge the impugned order, it is made clear that there is no stay on the impugned order and the local administration must remove the obstructions complained of and which it felt fit to interfere with in the impugned order.

9. Stand over to ***February 24, 2026.***

10. 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.]

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