



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 WRIT PETITION NO. 896 OF 2026

DATTU MUKTARAM SALGAR

VERSUS

THE ADDITIONAL COLLECTOR PARBHANI AND OTHERS

...

Mr. Umesh B. Gite a/w Mr. Krushna Bhosle, Advocate for the Petitioner
Mr. K. B. Jadhvar, AGP for Respondent Nos.1 to 3/State

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 28th JANUARY, 2026

P C. :-

1. Heard Mr. Umesh Gite, learned Advocate appearing for Petitioner. He would point out that Petitioner approached learned Mamlatdar under Section 5 of the Mamlatdar's Courts Act, 1906, seeking removal of obstruction on existing road. The said application was allowed. Aggrieved Respondent Nos.4 and 5 filed Revision Application under Section 23 of Mamlatdar's Courts Act, 1906, before Sub Divisional Officer at Gangakhed, who confirmed order passed by Mamlatdar. Respondent Nos.4 and 5 filed an Appeal before Collector, Parbhani, which has been entertained, and interim stay has been granted on the operation and implementation of order passed under Mamlatdar's Courts Act, 1906.

2. According to Mr. Gite, District Collector has no jurisdiction to

entertain Appeal once Revision Application is decided by Sub Divisional Officer under Section 23(2)(A) of Mamlatdar's Courts Act, 1906.

3. Having considered submissions advanced, *prima facie* it can be observed that the very appeal filed before District Collector is not maintainable. Therefore, impugned order is without jurisdiction. Hence, issue notice to the Respondents, returnable on 18th February, 2026.

4. Learned AGP waive service of notice for Respondent Nos.1 to 3/State.

5. Till the returnable date, there shall be ad-interim relief in terms of prayer clause 'C'.

(S. G. CHAPALGAONKAR, J.)

ssp