

(Order corrected as per order of speaking to minutes dated 10.07.2025)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 7452 OF 2025**

Radha Shankar Bhagas

VERSUS

The Sub Div. Officer Sailu And Others

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Advocate for the Petitioner : Mr. Mete Akshaykumar J.

AGP for Respondent/State : Mr. P.D. Patil

Advocate for Respondent No.5 : Mr. Abhishek C. Deshpande h/f Mr.  
V.M. Jadhav

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**CORAM : S. G. CHAPALGAONKAR, J.**

**DATED : JUNE 27, 2025**

**PER COURT :-**

1. Heard learned advocates appearing for parties.
2. Learned advocate appearing for petitioner invites attention of this Court to application submitted by private respondent dated 01.11.2022 before learned Tahsildar (placed at Exhibit-B). He points out that said application is not in proper format. Even the date of cause of action is not mentioned. Even, it is not verified by parties. In spite of all these fundamental defects, same has been entertained as application under Section 5 of Mamlatdars Courts Act. Eventually, order dated 12.02.2022 is passed directing removal of obstruction on boundary of Gat No.52 at Village Dagadchop, Taluka Jintur, District Parbhani.

3. *Prima facie*, there is substance in contention of petitioner that procedure under Mamlatdars Courts Act is not followed. Even application is not in consonance with requirement of Mamlatdars Courts Act.

4. Issue notice to respondents, returnable on 08.08.2025. Learned AGP waives notice for respondent nos.1 and 2. Mr. V.M. Jadhav, learned advocates waives notice for respondent no.5.

5. Considering submissions advanced, there shall be ad-interim relief in terms of prayer clause (D) till returnable date.

**(S.G. CHAPALGAONKAR, J.)**