

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETN. ST. NO. 10221 OF 2020

Santosh Madhukar Thakre

-Vs.-

Sub-Divisional Officer, Sub-Division Mangrulpir and others

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders.

 Mr.J.S.Wankhede, counsel for the petitioner.

CORAM : MANISH PITALE, J.

DATE : 22.10.2020

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard the learned counsel for the petitioner.

3. By this petition, the petitioner is assailing orders passed by the Tahsildar and the Sub-Divisional Officer, whereby an application filed by the contesting private respondents under section 5 of the Mamlatdar's Courts Act, 1906 has been allowed. It is submitted on behalf of the petitioner that the spot inspection carried out by respondent No.2-Tahsildar was without notice to him and further that application filed before the said respondent for adducing evidence and cross-examining witnesses was also rejected. It is further submitted that an earlier proceeding under the said Act of 1906 initiated by some other agriculturists resulted in an order recognizing an alternative existing way being used by the agriculturists for access to their fields. It

is further submitted that there is standing crop in the field of the petitioner and that in fact, there is no way as claimed by the private respondents herein.

4. In view of the above, issue notice for final disposal, returnable in **eight weeks**.

5. Learned Assistant Government Pleader Ms.Tajwar Khan waives notice on behalf of respondent Nos.1 to 4.

6. The petitioner is additionally permitted to serve respondent Nos.5 to 9 by registered post acknowledgment due.

7. In the meanwhile, there shall be *ad interim* relief in terms of prayer clause '(iii)'.

JUDGE