



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

WRIT PETITION No.4053 OF 2025

(Ajrambar s/o Shantaram Gawande and others Vs. Sub Divisional Officer, Akola and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.M.Tirukh, Advocate for petitioners.

Mr. Abhijit G.Mate AGP for respondent nos.1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 1st August, 2025..

1. Heard Mr.A.M.Tirukh, learned counsel for the petitioners.

2. The petitioners challenge is to the orders passed by the Mamlatdar and the Sub Divisional officer allowing the application filed by the respondents, thereby granting the right of way from the land belonging to the petitioners.

3. Learned counsel for the petitioners submits that the application filed by the respondent no.3 along with other persons before the Mamlatdar was itself lacking in material particulars and could not be treated as plaint as required by provisions of the Mamlatdar Courts' Act. He submits that the respondent no.3 and other persons have submitted an application without disclosing the alternate way which was available for them for approaching their field and the application as filed ought not to have been entertained by the Mamlatdar.

4. In support of his submissions, learned counsel relies upon the judgment of the coordinate bench of this Court in the

matter of **Gaurakshan Sansthan, Murtizapur Vs. State of Maharashtra and ors.** reported in **2019(3) ALL MR 849.**

5. He also points out that the petitioner had filed a separate Civil Suit seeking injunction against the respondents in which an order of temporary injunction was granted by which the respondent no.3 and others were restrained from approaching the field of the petitioners till final decision of the suit. After dismissal of the said suit, the petitioners had filed an appeal bearing Regular Civil Appeal No.150/2024 in which the interim injunction order is operating in favour of the petitioners.

6. Issue notice to the respondents returnable after two weeks.

7. Mr. A.G.Mate, learned AGP waives service of notice on behalf of the respondent nos.1 and 2.

8. The petitioners are permitted to serve the respondent no.3 by R.P.A.D. in addition to regular mode of service.

(PRAFULLA S. KHUBALKAR, J.)