

HUSENBASHA
RAHAMAN
NADAF
Digitally
signed by
HUSENBASHA
RAHAMAN
NADAF
Date:
2026.03.26
19:05:45
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2321 OF 2022

Mansingrao Jaisingrao Jadhav And OrsPetitioners

V/s

Sampat Vithu Patil And AnrRespondents

Mr. Yuvraj Narvankar a/w Rahul Patil for Petitioners.

CORAM : M.M. SATHAYE, J.

DATE : 26th MARCH, 2026

P.C. :

1. Heard learned counsel for the Petitioners.
2. The Petitioners are a bunch of persons holding lands in the near vicinity, who have chosen to file a common application under Section 5 of the Mamlatdar's Courts Act, 1906 ('the said Act' for short).
3. Apparently, the Petitioners claim to have a right of way or *vahivat* through Gat Nos.1305 & 1319 belonging to the Respondents. The Petitioners filed application under Section 5 of the said Act requesting removal of obstruction of the said way. By an order dated 31.12.2019, the Tahsildar, Hatkanangale allowed the application directing removal of obstruction. The Respondents filed revision application under Section 23(2) of the said Act in which the impugned order dated 06.08.2021 is passed by Sub-Divisional Officer, Ichalkaranji Sub-Division, Ichalkaranji, setting aside the order passed

by the Tahsildar.

4. Perusal of the impugned order indicates that the revisional authority was apparently of the opinion that according to the village-map, Panand Road is available to Petitioners. Perusal of the village map indicates that except Gat No.1306 belonging to Petitioner No.3 & Gat No.1324, rest of the Gats apparently do not have access to Panand Road and *prima facie* appear to be land-locked.

5. So far as Gat Nos.1306 & Gat No.1324 are concerned, the observations of the revisional authority and conclusion drawn appears to be correct, taking a probable view. Therefore, there is no merit in the petition so far as Gat Nos.1306 & Gat No.1324 are concerned. Accordingly, the petition is dismissed for Gat Nos.1306 & Gat No.1324.

6. So far as other Gats are concerned, since *prima facie* they appear land-locked, arguable case about obstruction is made out.

7. Issue notice for final disposal to the Respondents, returnable on 07.05.2026.

(M.M. SATHAYE, J.)