

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

WRIT PETITION NO.6041/2016

Pitambar s/o Haribhau Wadera

...Versus...

State of Maharashtra, through Secretary, Ministry of Revenue Mantralaya,
Mumbai and others

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

Court's or Judge's orders

Shri R.D. Dharmadhikari, Advocate for petitioner
Mrs. G.R. Tiwari, AGP for respondent no.1

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 21.12.2016

By this petition, the petitioner seeks a direction against the respondents to supply the correct information to the petitioner as sought. The petitioner seeks a further direction against the respondent no.1 – State of Maharashtra to initiate an enquiry against the respondent no.2 – Junior Engineer Construction Division, Nagar Parishad and the respondent no.3 – Chief Executive Officer, Nagar Parishad, Saoner for manipulating the documents and giving false and incorrect information to the petitioner.

It is stated on behalf of the petitioner that though the first appeal under the Right to Information Act was decided on 27.5.2013, the same bears the number of the second appeal that

was filed by the petitioner subsequently. It is stated that the order dated 27.5.2013, was passed by the first appellate authority after the second appeal was filed by the petitioner.

However, on a reading of the order of the second appellate authority and the order of the first appellate authority, we do not find that the first appellate authority had decided the appeal after the second appeal was filed by the petitioner before the second appellate authority. The first appeal appears to have been filed on 14.5.2013 and the second appeal appears to have been filed on 11.6.2013, as per the order of the second appellate authority. It does not appear from the documents annexed to the writ petition that the first appeal was decided after the second appeal was filed. Merely because in the cause title of the order of the first appellate authority a reference is made to Appeal No.1314/2013, it cannot be concluded that the first appeal was decided later. The petitioner has not pointed out what is the number of the first appeal filed by the petitioner. Without securing the basic information, the writ petition is filed for a direction against the respondent no.1 to take action against the respondent nos.2 and 3 for playing fraud on the petitioner. In any case, the first appeal and the second appeal are decided and the petitioner does not seem to be aggrieved by the order of the second appellate authority. If that is so, it would not be possible to grant the prayer made in this writ petition, specially when the copy of the order of the first appellate authority at Annexure P-VI does not appear to be a true copy of the order of the first appellate authority.

In the circumstances of the case, since the relief sought by the petitioner cannot be granted, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar