

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

**PUBLIC INTEREST LITIGATION NO.96 OF 2013
RUPESH ANIL JAISWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
CIVIL APPLICATION NO.1961 OF 2019
IN PIL/96/2013
NATIONAL HIGHWAYS AUTHORITY OF INDIA
VERSUS
RUPESH JAISWAL AND OTHERS**

**WITH
CIVIL APPLICATION NO.3971 OF 2021
IN PIL/96/2013
SAJID KHAN PATHAN AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioner : Shri Jaiswal Rupesh A. (party In
Person). (Absent)

AGP for Respondents 1 and 3 : Shri S.B.Yawalkar

Advocate for Respondent 2/ Municipal Corporation : Shri R.S.
Deshmukh, Senior Advocate h/f Shri D.R. Deshmukh.

Advocate for Respondent 7 : Shri D.S.Manorkar

Advocate for Respondent 9 : Shri M.N.Navandar

Advocate for Respondent 10 : Shri S.S. Gangakhedkar

Advocate for Respondent 11 : Shri S.S. Dande

Advocate for the Respondent/ MSRDC : Shri Harish Adwant h/f
Shri S.V.Adwant

Advocate for the Applicant in CA/1961/2019 : Shri
D.S.Manorkar

Advocate for the Applicant in CA/3971/2021 : Shri R.C. Bora

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**CORAM : RAVINDRA V. GHUGE
&**

S.G. MEHARE, JJ.

DATE :- 31st August, 2021

Per Court :-

(a) PIL No.96/2013 :-

1. Shri Navandar, learned advocate representing respondent No.9/ South Central Railway, has tendered an additional affidavit dated 30.08.2021 along with the documents from page 1122/1 to 1129. He points out from paragraph 3 that the financial concurrence has been accorded. Paragraph 3 of the affidavit reads as under :-

“3. *I say and submit that, in view of the aforesaid orders the Director CE/ B&S, Railway Board, New Delhi vide its order/ letter No.2020/CE-IV/PH-30/ Umbrella/ SCR, dated 26.08.2021 has granted and accorded its financial concurrence for the work of Aurangabad-Chikalthana-MMR- MUE Section :- Proposed Construction of RUB in lieu of Manned LC No.55 @ km 117/6-7 between ABW-CTH Station for the amount of Rs.165227 (In Thousands) 16,52,27,000/- (Sixteen Crores Fifty Two Lakhs and Twenty Seven Thousand). That, Sr.No.18 in said Order/ Letter is the aforesaid work and copy of the same is hereto annexed and marked as Annexure ‘R-1’.*”

2. Shri Navandar then points out paragraphs 4 and 5 of the affidavit, which are as follows :-

“4. I say and submit that over all 18 proposals are listed in said order dated 26.08.2021 and the sanction has been granted by the Railway Board with the following stipulations :-

1. Tender for execution of work shall be invited only after pre-requisite such consent of State Government got closure of level crossing, approval of GAD, designing and complete land acquisition, if any;
2. Regular monitoring should be done by Zonal Railway.
3. Throw forward liability should be continued to be reduced to manageable level.”

“5. I say and submit that as such, finance concurrence is already been granted by the Railway Board. Now it is necessary that the Local Body Authorities should take further immediate and necessary steps as till date, there is progress by said Local Authorities.”

3. In view of the above, we call upon Shri Deshmukh, learned Senior Advocate representing the Aurangabad Municipal Corporation and the learned AGP to take instructions and make their submissions on the next date.

4. List this PIL on 09.09.2021 at 02:30 pm.

(b) Civil Application No.1961/2019 :-

5. Considering the prayers set out in this Civil Application and passage of two years, Shri Manorkar, learned advocate, submits that the purpose for which this application was filed no longer exist. This application is rendered infructuous and

can be disposed off.

6. As such, this Civil Application No.1961/2019 stands disposed off.

(c) Civil Application No.3971/2021 :-

7. By this Civil Application, the intervention applicants pray for rebuilding Jalna road from the Airport upto Cambridge High School by laying a cement concrete road.

8. We do not find that this application should be entertained for the reason that this PIL has been filed in 2013 and over a period of time, various issues have been added in this PIL. We do not wish to expand the scope of this PIL. However, if the applicants are very much interested in the object for which they have filed this application, they are at liberty to file a fresh PIL subject to the Bombay High Court Public Interest Litigation Rules, 2010 and subject to the amount that this Court would direct to deposit.

9. In view of the above, this Civil Application No. 3971/2021 is disposed off.