

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

Writ Petition (ST) No. 6281/2021

Satish s/o Gajananrao Devarkar

..VS..

The State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.R. Ingole, Advocate for the petitioner
Shri Neeraj R. Patil, AGP for respondent nos. 1 to 3/State
Shri P.R. Agrawal, Advocate for respondent no. 5.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 08/06/2021

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

2. Heard Shri Ingole, learned Counsel for the petitioner, Shri Patil, learned AGP for respondent nos. 1 to 3 and Shri Agrawal, learned Counsel for respondent no. 5.

3. The petitioner is neither the owner of the Sand Ghat nor the person directly affected by the alleged in-action on the part of the Collector, Amravati and Tahasildar - Dhamangaon Railway.

4. The petitioner appears to be a RTI Activist and as per the submission of the learned Counsel for the petitioner, some information has been obtained by the petitioner by making an application under the provisions of the Right to Information Act, 2005. Based upon such information, even though the petitioner has got nothing to do with something which is a subject matter and to be dealt with by the Collector and the concerned parties, the petitioner is now trying to invoke jurisdiction of this Court against the person whom he considers to be violator of the law. This is not a Public Interest Litigation and the petition has been filed at the behest of a private party raising such issue. Such a petition is not maintainable in the eye of law and therefore, deserves to be dismissed. However, the petitioner would be at liberty to point out whatever he considers to be an illegality to the concerned Collector and the Collector would also be at liberty to take such action as he deems fit in the facts and circumstances of the case. With these observations, the petition is dismissed. No costs.

Civil Application (CAW) No. 757/2021

5. Interim relief is vacated and as respondent no. 5, on account of the interim relief granted by this Court could not excavate the sand to which he was entitled as per agreement for a period of 25 days (Page-51 -Agreement Annexure R-5-2), we direct the Collector, Amravati to consider grant of extension of the period of agreement by the period which could be 25 days or less, depending upon the flood situation and if permissible under the relevant rules, if an application in this regard is made by respondent no. 5.

6. Alternately, we direct that in case extension of the period of agreement with respondent no. 5 is not possible for any valid reason, the proportionate amount collected from respondent no. 5 shall be refunded to him within four weeks from the date of decision to be taken in this regard.

7. Accordingly, the Civil Application is disposed of.

JUDGE**JUDGE**