



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2094 OF 2024 WITH
CIVIL APPLICATION NO. 2467 OF 2024
IN WP/2094/2024

Rajesh Bansilal Shah

VERSUS

The State Of Maharashtra Through District
Collector And Others

...

Mr. P. K. Deshmukh, Advocate for the Petitioner

Mr. S. B. Narwade, AGP for Respondents

...

CORAM : RAVINDRA V. GHUGE &
R. M. JOSHI, JJ

DATE : MARCH 04, 2024

PER COURT :

1. On 21st February, 2024, we had passed the following order:

1. After considering the prayers of the Petitioner and on perusing the communication dated 05.09.2023 addressed by the concerned authority to the Petitioner, which is at page no. 104 of the Petition paper book, we find that the Government is not initiating action for widening of the road. It is only for strengthening of the existing road. So also, Special Civil Suit No. 636/1998 between the Petitioner and others, is pending adjudication.

2. The learned Advocate for the Petitioner sought time to take instructions as to whether the Petitioner would prefer a Civil Suit for measurement, marking of boundaries and for identifying the share in the land coupled with the claim as to whether his land is being utilised in the

project.

2. Today, the learned Advocate for the Petitioner submits that an application under the Right to Information Act has been addressed to the Public Information Officer who is the Deputy Executive Engineer Construction, Z.P., Aurangabad dated 14.09.2023. He has communicated to the Petitioner on 18.09.2023 that the issue raised by the Petitioner is not concerned with their department. The Petitioner is aggrieved that the Public Information Officer is not responding to the application filed under RTI.

3. The Petitioner before us is an Advocate. He is represented by an Advocate. According to the Petitioner, if the Public Information Officer is not responding, further litigation as prescribed under the RTI Act has to be initiated.

4. In view of the above, **this Writ Petition is disposed off.** Needless to state, the rights of the litigating parties in Special Civil Suit No. 636/1998, would not be affected by the disposal of this Petition

and all the contentions of the litigating parties are kept open. We also record that if, in future, it is noticed that the land belonging to either Plaintiff or Defendant in the said suit, is acquired in the Rural Road No. 67 and it is concluded that the land of any of the title holders is utilized in the said project, such land loser would be entitled for compensation as per the applicable provisions of law.

5. The pending **Civil Application** is also disposed off.

(R. M. JOSHI, J)

(RAVINDRA V. GHUGE, J)

Malani