



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 WRIT PETITION NO.10102 OF 2025

Moin Abdul Latif Deshmukh

.. Petitioner

VERSUS

The State Of Maharashtra
Through Secretary And Others

.. Respondents

...

Ms. Rehana Moin Deshmukh, Advocate for the Petitioner.

Mr. R. S. Wani, AGP for Respondents/State.

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 08 DECEMBER 2025

ORDER :

. Present petition has been filed for following reliefs :-

“B. Hon’ble Court should be ordered or direction to the respondent to provide the information in the Right to Information Act to the petitioner before the Hon’ble Court.

C. Petition filed by respondent No.4 dated 05.02.2024 by knowing and understanding the information in the information application and by not following the order of his Superior Office, he has committed irresponsibility of his duty, so he should be permanently

ejection from the job.

D. For forcing the petitioner to file the said petition, respondent No.4 should be ordered to pay Rs.3,00,000/- (Rs. Three Lakh) before the Hon'ble Court for financial and mental distress.”

2. Heard learned Advocate for the petitioner. Learned AGP waives notice for respondent No.1/State. There is no necessity to issue notice to respondent Nos.2 to 4.

3. The facts of the case appear to be that petitioner made an application under Right to Information Act to respondent No.4 on 05.02.2024. It was responded on 22.02.2024 stating that since the information that was called is in respect of a third party and the third party has taken objection, it cannot be supplied. Thereafter, the petitioner approached the first Appellate Authority, who decided the said appeal on 20.03.2024 thereby the said appeal was partly allowed. The Information Officer of Ward Committee No.3 was directed to provide the information to the petitioner and then it was also stated that if the appellant is aggrieved, then he may file Second Appeal before the State Information Commission, Nashik Bench within a period of 90 days.

4. Instead of approaching the Second Appellate Authority, it appears that the petitioner has filed the present writ petition. If according to the

petitioner in spite of the said direction information is not supplied by respondent No.4, then the petitioner can take action and go before the same authority, who had passed the order of supplying the information stating that there is no compliance with his order or the second way was open for the petitioner to approach the Second Appellate Authority. Now, as regards the prayer clauses is concerned, when there is a separate enactment, this Court cannot give directions for supply of the information and, this Court cannot exercise its constitutional powers under Article 226 of the Constitution of India.

5. We dispose of the writ petition with liberty to the petitioner to adopt any other permissible mode as per the Right to Information Act and if such mode is adopted, then the concerned authority should take into consideration the time spent by the petitioner before this Court.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm