

MINISTRY OF ROAD TRANSPORT & HIGHWAYS

(RTI Section)

PUC is an Application/ Appeal from  
 \_\_\_\_\_  
 \_\_\_\_\_ which has been received  
 on \_\_\_\_\_ under the RTI Act, 2005  
 it \_\_\_\_\_  
 if approved we may forward  
 to \_\_\_\_\_

Apul Ashok Mundade

No

Tolga

fee received

SE (P-6) (P.K. Shetye)

346

SO(RTI)

US(RTI)

I have asked that  
 whether we recd.  
 any RTI app. from the applicant  
 previously. But no clarification recd. why?

Pl. spe.

50/17

4/17

Pl. Clarification the position of previous RTI application  
 application of the applicant.

Sh.A.M.

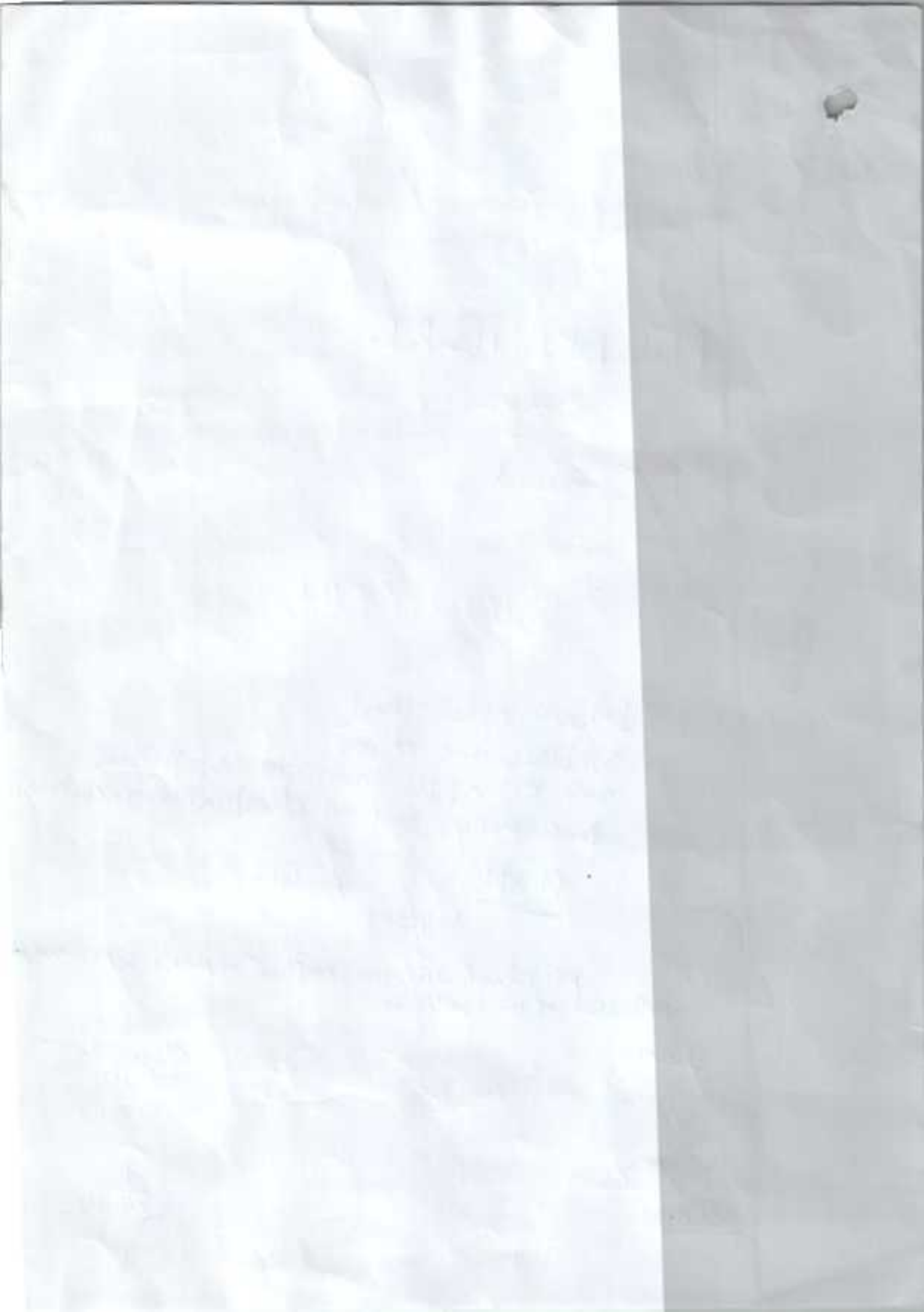
Phone  
05107117

Previous original RTI Appl. is already enclosed herewith.

6/7  
30/17

US(RTI)

Phone  
05107117



I-34014/140/2017-RTI  
Government of India  
Ministry of Road Transport & Highways  
(RTI Section)

Ref. FR

FR is a Letter dated 24.06.2017 received from Shri Atul Ashok Mundada, Mundada Nagar, Near Bhushan Colony, Jalgaon-425002, Maharashtra.

In this matter, applicant Shri Atul Ashok Mundada sent an original RTI application dated 01.06.2017 along with RTI Fee of Rs.10/- (Court Fee) which was received in the Ministry on 09.06.2017. As the RTI Fee is not in favour of prescribed authority, we informed him to deposit the application fee of Rs. 10/- either in cash at the Information & Facilitation Counter (IFC, RTI) of the Ministry at the ground floor of Transport Bhawan, New Delhi or through Demand Draft/Bankers' Cheque/Indian Postal Order payable to the "Pay and Accounts Officer (Sectt.), Ministry of Road Transport & Highways, New Delhi." Or "Accounts Officer, Ministry of Road Transport & Highways, New Delhi" vide letter No. I-34014/140/2017-RTI dated 20.06.2017. In response we now received correct RTI Fees through IPO from the applicant, so we may now scan and send the application to concerned CPIO for further necessary action.

?

⊕  
6/7  
SO (P/H)

USC (RTI)

- Scan & send to
1. US/CA) Sh. Suresh Datta
  2. PE (P-6) Sh. P. K. Garg

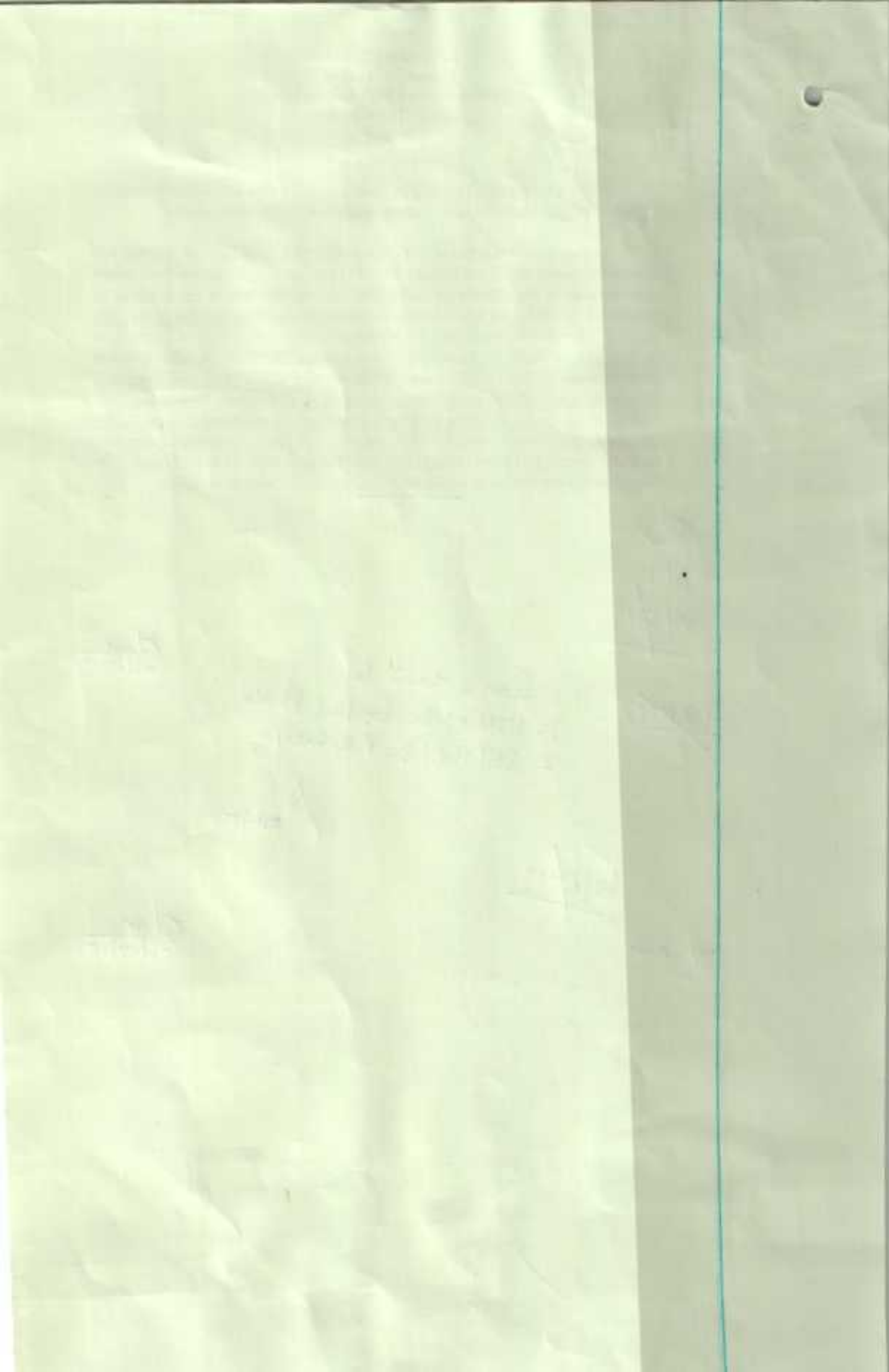
Chans.  
06/07/17

06/07

SO (P/H)

Sh. Am

Chans.  
06/07/17



**Application under Right To Information Act, 2005**

To,

The Public Information Officer / Asst. Public Information Officer,

The Secretary to Govt. of India

Ministry of Road Transport, Highways & Shipping,

Department of Road Transport and Highways,

Transport Bhavan,

1, Parliament Street,

New Delhi - 110001

1. Name of the Applicant : Atul Ashok Mundada

2. Address : Mundada Nagar, Near Bhushan Colony, Jalgaon (425002)

Maharashtra

3. Particulars of information

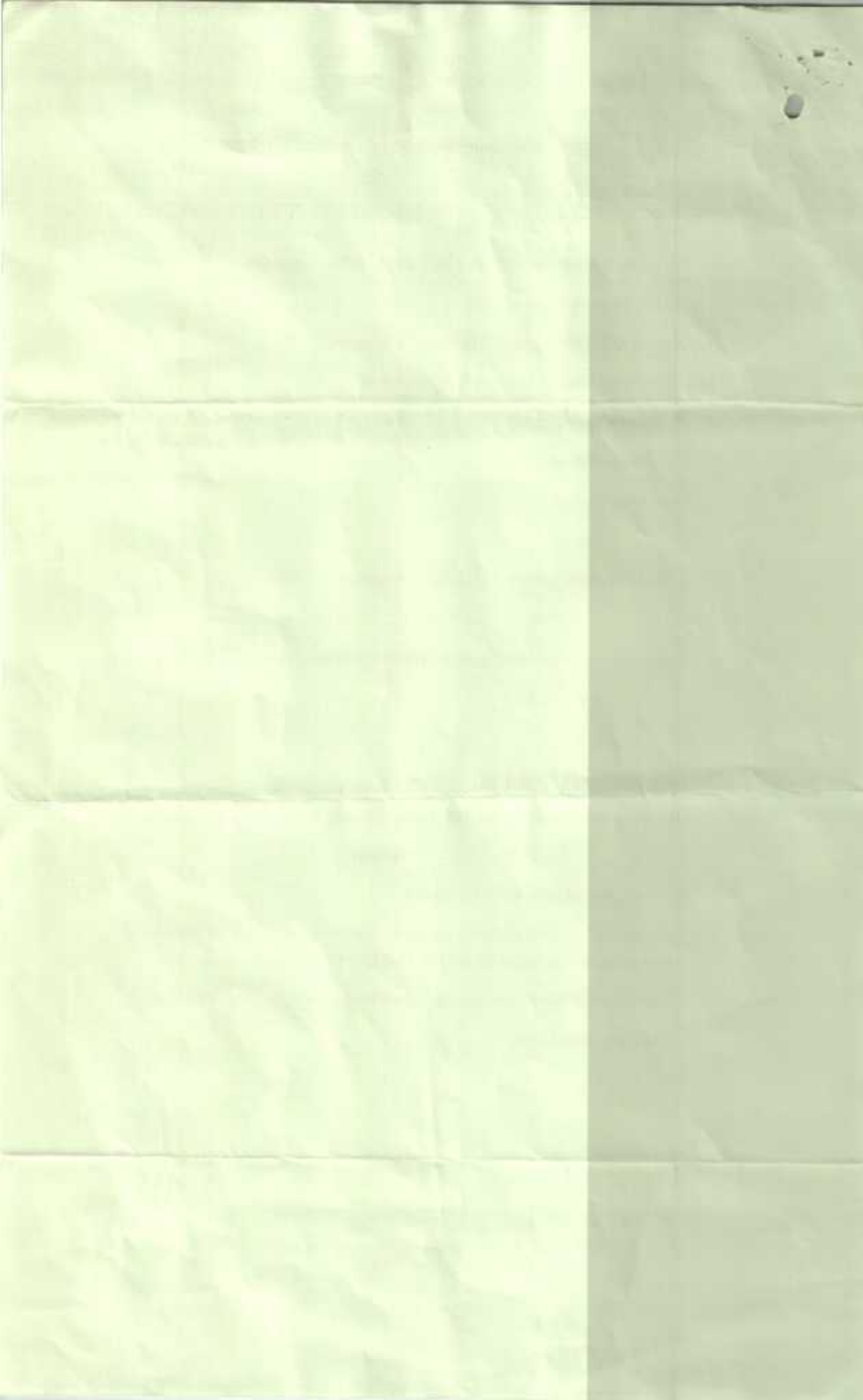
(a) Concerned Office / Department : Department of Road Transport and  
Highways

(b) Particulars of information required

(i) Details of information required : Information required about the  
action taken on my application dtd. 11/01/2017 (photocopy attached).

(ii) Period for which information asked for : 11 January 2017 till today.

(iii) Other details : Nil





4. Format in which information is required : As per your official system.

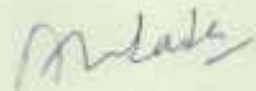
5. Mode of delivery expected : e-mail or speed post.

6. The information can be furnished within 30 days as prescribed under Section 6 (1).

7. The postal order of Rs. 10 is attached with this letter as per the provisions of R.T.I. Act, 2005. I am ready to pay the required fees for the information.

Place : Jalgaon

Date : 24/06/2017



Atul Ashok Mundada

Postal Address : Mundada Nagar,

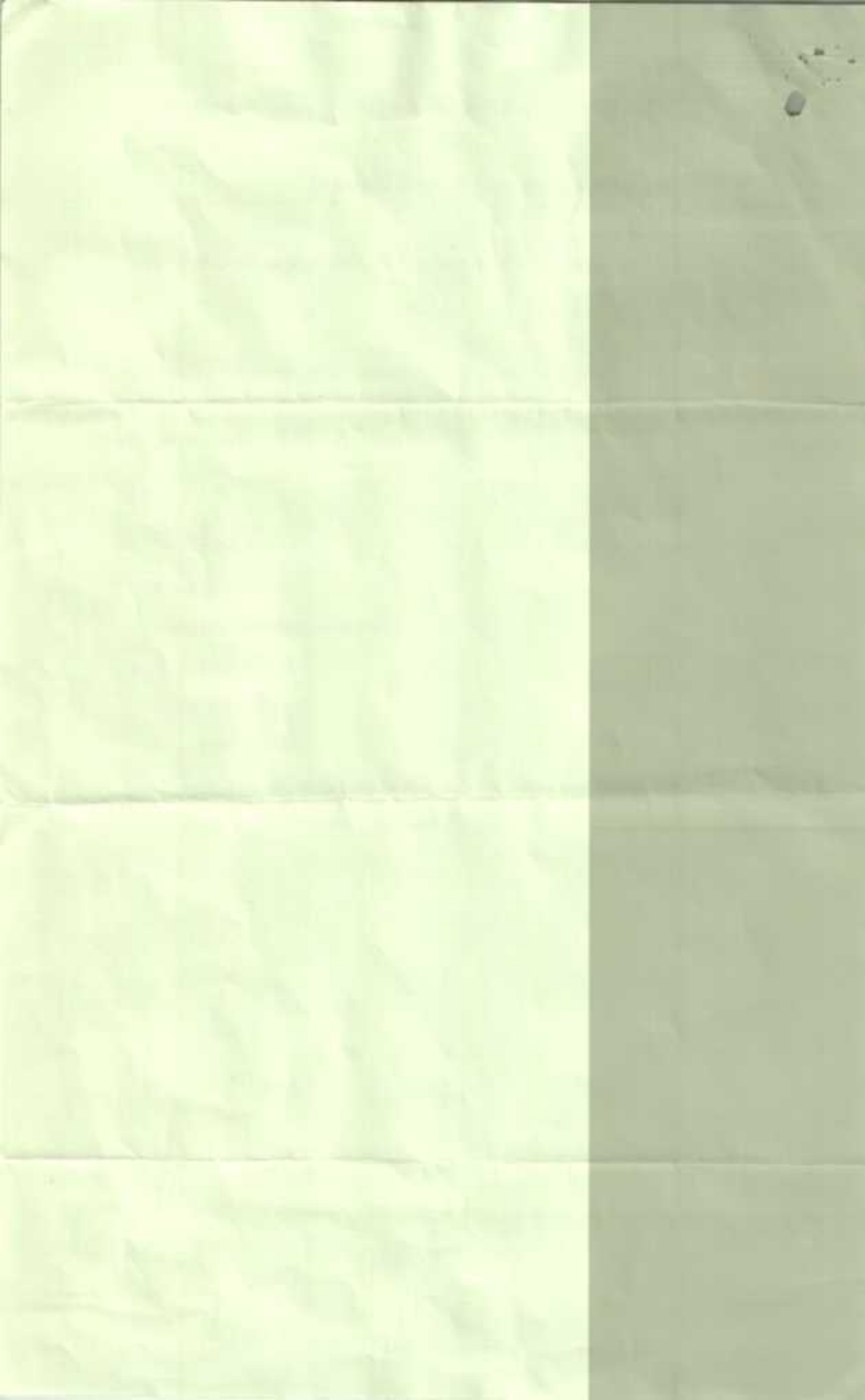
Near Bhushan Colony,

Jalgaon (425002)

Maharashtra

E-mail address [atulmundada22@gmail.com](mailto:atulmundada22@gmail.com)

Mobile No. : 9422772151





GOVERNMENT OF INDIA  
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS  
TRANSPORT BHAVAN, 1 PARLIAMENT STREET  
NEW DELHI - 110001

Receipt No. 5161

Dated 7/3/17

Received RTI Application dated.....

from Sh. Smt. / Mr. Atul Beshok Mondale

along with application fee of Rs. 10/- (Rupees Ten  
only) / Fee of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_

only) for providing information under RTI Act 2005 in

Cash / Demand Draft / Cheque / IPO No. ✓ 59E 574953

Dated .....



Signature / Receipt Official (IFC)

OFFICE OF THE ATTORNEY GENERAL

STATE OF NEW YORK  
IN SENATE  
JANUARY 11, 1900

REPORT

1900

OF THE  
COMMISSIONERS OF THE LAND OFFICE  
IN RESPONSE TO A RESOLUTION  
PASSED BY THE SENATE  
MAY 15, 1899  
AND  
BY THE ASSEMBLY  
MAY 15, 1899

ALBANY: PUBLISHED BY THE  
UNIVERSITY OF THE STATE OF NEW YORK  
1900

O/o C. R. Section (RTH)

Dairy No 12-33457/2017

Date 09/01/2017



Application under Right To Information Act, 2005

To,

The Public Information Officer / Asst. Public Information Officer,

The Secretary to Govt. of India

Ministry of Road Transport, Highways & Shipping,

Department of Road Transport and Highways,

Transport Bhavan,

1, Parliament Street,

New Delhi - 110001

RTI

1. Name of the Applicant : Atul Ashok Mundada

474

2. Address : Mundada Nagar, Near Bhushan Colony, Jalgaon (425002)

Maharashtra

3. Particulars of information

(a) Concerned Office / Department : Department of Road Transport and Highways

(b) Particulars of information required

(i) Details of information required : Information required about the action taken on my application dtd. 11/01/2017 (photocopy attached).

(ii) Period for which information asked for : 11 January 2017 till today.

(iii) Other details : Nil

Applicant to be appeal  
PI and up

R 116 8/12/17  
Sh. A. M.

Sh. A. M.  
12/01/17

4. Format in which information is required : As per your official system.

5. Mode of delivery expected : e-mail or speed post.

6. The information can be furnished within 30 days as prescribed under Section 6 (1).

7. The postal order of Rs. 10 along with court fee stamp of Rs. 10 is attached with this letter as per the provisions of R.T.I. Act, 2005. I am ready to pay the required fees for the information.

Place : Jalgaon

Date : 01/06/2017



Atul Ashok Mundada

Postal Address : Mundada Nagar,

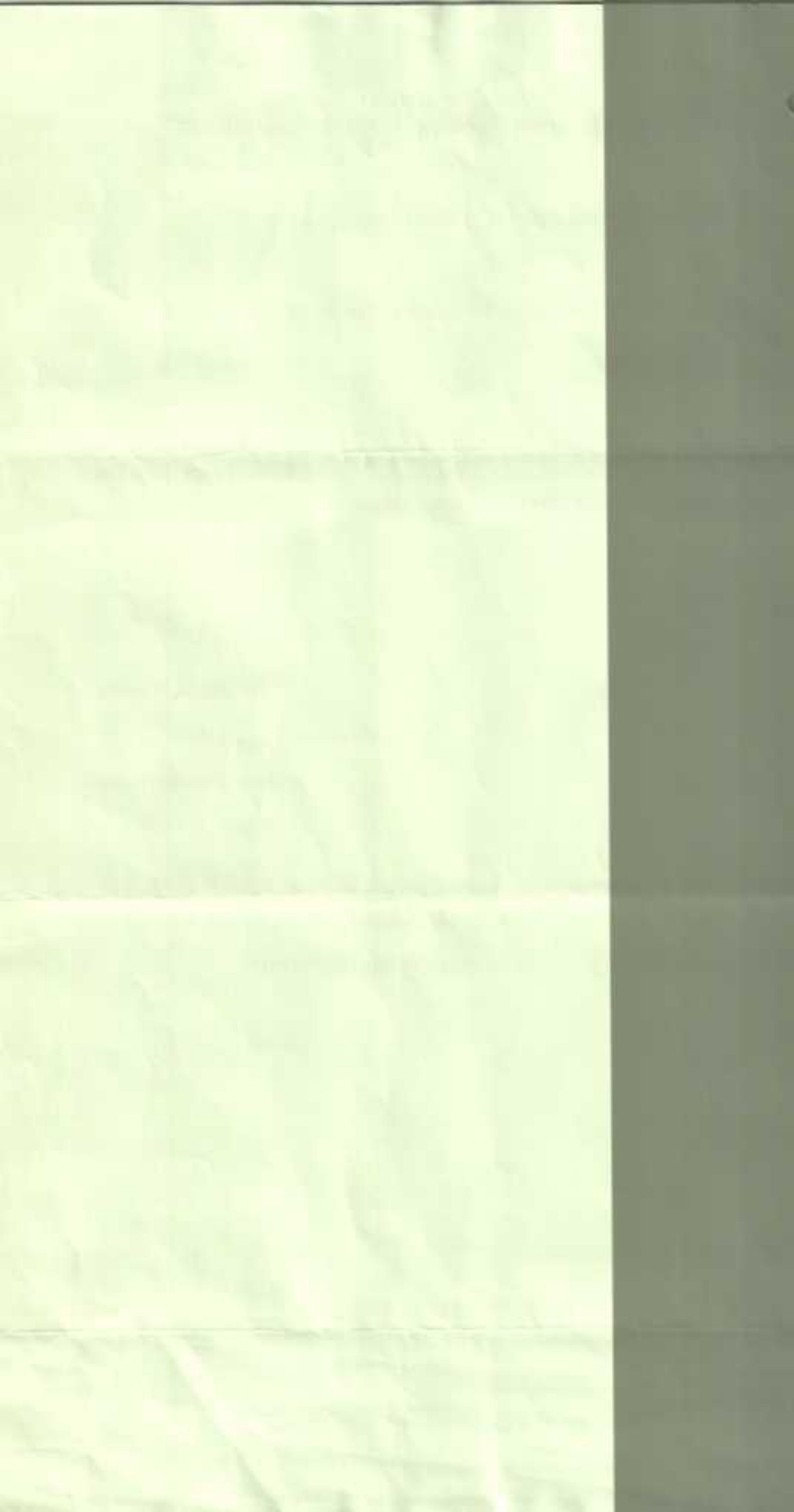
Near Bhushan Colony,

Jalgaon (425002)

Maharashtra

E-mail address [atulmundada22@gmail.com](mailto:atulmundada22@gmail.com)

Mobile No. : 9422772151





Jalgaon (Maharashtra)

Date: 11/01/2017

To,

The Secretary to Govt. of India

Ministry of Road Transport, Highways & Shipping,

Department of Road Transport and Highways,

Transport Bhavan,

1, Parliament Street,

New Delhi - 110001

Applicants :- 1) Legal heirs of Late Bhagwat Khadke and legal heirs of Late

Rajaram Lottu Khadake through G.P.A. Atul Ashok Mundada

R/o: Mundada Nagar, Jalgaon - 425002 (M.S.)

2) Legal heirs of Late Kautik Tulshiram Patil through G.P.A.

Dagdu Kautik Patil R/o: Pimprala, Jalgaon.

**Subject:-** Restoration of abandoned lands which were acquired for the purpose of National Highway, to the erstwhile owners.

Ref.:- 1) Our application to the Section Officer, Ministry of Road Transport & Highways, Govt. of India, 1, Parliament Street, Transport Bhavan dtd. 13/09/2005.

2) Our application to Section Officer, NH 6, Room No. 243, Parivahan Bhavan, 1, Parliament Street, New Delhi- 110001 dtd. 05/11/2005.

3) Our application to the Superintending Engineer, 95, New Admn. Bldg. No. 2, Ground Floor, P.W.D. Compound, R. C. Marg. Chembur, Mumbai - 400071 dtd. 20/02/2005.

O/o C. R. Section (RTH)

Dairy No. 1235727/2017/CR

Date: 29-6-2017

RTI

526

Have  
we received  
any RTI app  
pee from  
the applicant

A/30/02

S/(RTI)





4) Letter RW/NH-G/12025/10/88-(W) MAH of Assistant Executive Engineer for Director General (Road Development) dtd. 21/08/2006.

5) The Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Respected Sir,

1) The lands comprised in Gat No. 20/4/1, Gat No. 21 of Pimprala and in Gat No. 89 of Nimkhedi, Tal & Dist – Jalgaon in Maharashtra State.

The description of the lands in question is as under:-

Sr. No.	Village	Gat No.	Area H - R.	Names of erstwhile land owners
1.	Pimprala	20/4/1	1 - 39	Kautik Tulshiram Patil
2.	Pimprala	21	0 - 18	Bhagvat Ghansham Khadke & Ors.
3.	Nimkhedi Taluka Jalgaon	89	0 - 16.86	Rajaram Lottu Khadke

2) The aforesaid lands have been acquired since the year 1965 for the public purpose viz. construction of the Surat-Dhulia-Edlabad-Nagpur road outside Jalgaon town. Since the funds were allotted by the Central government the appropriate government for the acquisition is "Central Government".

3) Though the aforesaid lands were acquired under the provision of Land Acquisition Act, 1894, the aforesaid road has not been constructed through these lands, because of some engineering modifications known to the concerned B & C department of State government. However, it is learnt that an earlier national highway which was proposed to be constructed, crossing the bridge on Girna river was later on diverted due to the fact that the aforesaid bridge on the Girna river was dilapidated and dangerous too for transport achievement. The officials in B & C department of state

READ JALGAON 985 (425002)  
A EPICS7400415411 TH  
Counter No:1, CP-Code:005  
To: SECRETARY GOVT OF INDIA, PARLIAMENT STREET  
NEW DELHI, PIN:110001  
From: ATUL ASHOK MUNDADA, MH-JALGAON  
Wt: 88grams,  
Amt: 48.00 (1 Fee: Rs. 3.00), 12/01/2017 19:39  
<<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)

Jalgaon (Maharashtra)

Date: 11/01/2017

To,

The Secretary to Govt. of India

Ministry of Road Transport, Highways & Shipping,

Department of Road Transport and Highways,

Transport Bhavan,

1, Parliament Street,

New Delhi – 110001

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Rajaram Lottu Khadake through G.P.A. Atul Ashok Mundada

R/o: Mundada Nagar, Jalgaon – 425002 (M.S.)

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3.	Nimkhedi Taluka Jalgaon	89	0 - 16.86	Rajaram Lottu Khadke

2] The aforesaid lands have been acquired since the year 1965 for the public purpose viz. construction of the Surat-Dhulia-Edlabad-Nagnai road outside Jalgaon town. Since the funds were allotted by the Central government the appropriate government for the acquisition is "Central Government".

3] Though the aforesaid lands were acquired under the provision of Land Acquisition Act, 1894, the aforesaid road has not been constructed through these lands, because of some engineering modifications known to the concerned B & C department of State government. However, it is learnt that an earlier national highway which was proposed to be constructed, crossing the bridge on Girna river was later on diverted due to the fact that the aforesaid bridge on the Girna river was dilapidated and dangerous too for transport achievement. The officials in B & C department of state



government have, therefore, constructed alternate road acquiring some another lands instead of lands acquired previously which were owned by us.

4] The plan showing the position of earlier proposed road and existing road which is obtained from the concerned department is already submitted by us along with the above reference No. 1. On perusal of this plan it will be seen that the lands owned by us, are entirely abandoned. In another words, not an iota of these lands was used for the purpose for which the same were acquired. The Executive Engineer, National Highways department during the course of enquiry into the application made by the applicant, has reported, vide his letter bearing No. Resha/LAQ-579-2004 dtd.10/03/2004 to the Collector that the lands in question have not been utilized for the purpose for which they were acquired and are lying in balance. Similarly, in our opinion the lands in question cannot be legally utilized by the State Govt. for the purpose other than that of notified purpose as notification bearing No. LAO-D-9189 U/s 6 of old land acquisition act has been published by the state Govt. in government gazette dtd. June 6, 1963 in which public purpose was declared as "Construction of the Surat - Dhulia - Edlabad - Nagpur Road outside Jalgaon town. Since the public purpose i.e. construction of the Surat - Dhulia - Edlabad - Nagpur road outside Jalgaon town is achieved by acquiring some another lands, instead of lands earlier acquired which were owned by us, and hence the government cannot legally use the lands for the purpose other than that of the notified purpose, and therefore, there was no alternative but to release the land and to restore the possession to erstwhile owners. Secondly we may bring to your honour's kind notice that the lands in question cannot be termed either surplus or (rest) utilized lands but can be termed as "abandoned". In fact the said lands were mistakenly acquired.

5] That, taking into consideration the policy of the Govt. of India not to allow use of the National Highway land for private purpose, the state government were requested to limit the acquisition of land to the minimum necessary area for national highway purpose but this policy of the Central

government seems to be frustrated by the concerned officials while we are acquiring lands owned by us, unnecessarily (i.e. though not required).

6] With reference to earlier sue made by us from time to time the state government officials i.e. the Commissioner, Nashik Division had informed vide his letter No. L.A.Q.1W.S.-28/95 dtd. 12/06/1995 to credit twice (i.e. double) the amount of compensation received by us into government treasury. Thus, in our opinion the government has made an offer with us to accept the land after crediting some amount into government treasury. This step of government can be termed as covenant as per provisions of section 2 (h) of Indian Contract Act, 1872. We have accepted the said offer made by government and accordingly, we have credited an amount of Rs. 20,956/- on 23/06/1995 towards the head of account "0029 L.R.". It is learnt that the government officials while offering us to credit this amount into government treasury, had not sought the sanction of the appropriate government i.e. Central government and hence the officials asked us to obtain refund of the said amount. However, we have not acted upon his suggestion as once the Govt. has made an offer, in another words, the Govt. has once made a contract with us the government is compelled to complete the said contract.

7] We may bring to your kind notice that on the same analogy, the government officials i.e. the Collector, Jalgoan vide his No. L.N.D.2190/12536/1696/90 dtd. 13/12/1990, restored the lands comprised in Gat. No. 22 of Pimprala and Gat No. 88 of Nimkehdi (Kd.) held by Shri. Jagannath Hiraji Dhangar and Shri. Sonugir Madhavgir Gosavi respectively to them, which also were acquired for the same purpose. Thus taking into consideration this precedent as well as declining to restore the lands to us, we must have to say that, we have been deprived from right to equality before law which is our constitutional right guaranteed under Art. 14 of the Constitution of India. Similarly we may bring to your kind notice that it was the bounded duty of the officials to put to use the said lands for the purpose for which they were acquired within a reasonable period of three years from the date of taking of possession according to instructions contained in Govt. resolution No. L.Q./3473/Hi dtd. 10 October 1973 and if the officials

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failed to do it, it was also bounded duty of the officials to restore the possession of these lands to us, after completion of 3 years from the date of taking over possession.

8] Sir, we strongly contend that when an iota of these lands has not been put to use for the purpose for which the same were acquired, the lands cannot be termed either surplus or not utilized, but can be termed as abandoned. Secondly there was no reason to acquire these lands, if the officials ought to have taken into consideration the dilapidated position of the bridge existed on Girna river and hence acquisition of these lands was done unnecessarily. Moreover the officials have fulfilled the purpose after acquiring some another land for the said purpose and hence it was bounded duty of the Govt. to restore these lands unconditionally to us. The appropriate government for acquisition of these lands is central government, and hence they vest with Central government and as such it was not legally feasible to impose any condition for disposal of such lands even if it is presumed that they are surplus or lying unutilized.

9] We have already deposited twice / double the amount of compensation. Hence, it can be deduced / presumed / concluded that we have not received the compensation amount. Consequently, the acquisition procedure has lapsed.

10] Now, the new bypass / 4 lane highway outside Jalgaon city is sanctioned and its work is going to start soon. Our lands are too far from the said new bypass. Our lands will never be useful for constructing the highway. In short our lands are neither used till today nor they can be used in future for constructing the highway.

11] Gat No. 22 which is an adjoining land to our lands is already released by the State Government and construction of building has also started on that land.

12] From the facts stated above and taking into consideration the law of natural justice, the government spontaneously ought to have returned the lands unconditionally to us. However, unfortunately it was not done. In

fact, vide reference No. 4, the Central Govt. had illegally and improperly denied to restore the said lands to us.

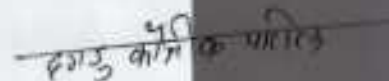
13] The undersigned farmers with great hope in the government would like to bring to your kind notice that our craving for justice has not gone in vain. Parliament of India has enacted a new legislation for the purposes of land acquisition in the year 2013. As per this new reference No. 5, the provisions have been made to restore the abandoned lands to the land owners. Hence, it is extremely necessary for the purpose of securing the justice (which is enshrined in the Preamble to the Constitution of India itself) that at least now our applications be considered in the light of their merit and also in the light of the legislation of 2013 referred above, and the lands be restored as soon as possible to the erstwhile owners.

Thanking you.

Yours faithfully,



1. Atul Ashok Mundada



2. Dagdu Kautik Patil

Enclosed (all photocopies) :-

- 1) General Power of Attorney dtd. 14/06/2016.
- 2) General Power of Attorney dtd. 30/07/2011.
- 3) Executive Engineer, N. H. Div. Jalgaon's letter dtd. 05/07/2005.
- 4) The Superintending Engineer's letter dtd. 06/11/2006.
- 5) The rough sketch showing cancelled and existing highways.
- 6) Reference No. 4 dtd. 21/08/2006.



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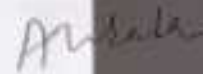
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140  
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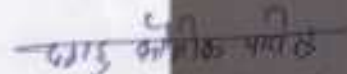
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1. Atul Ashok Mundada



2. Dagdu Kautik Patil

Enclosed (all photocopies) :-

- 1) General Power of Attorney dtd. 14/06/2016.
- 2) General Power of Attorney dtd. 30/07/2011.
- 3) Executive Engineer, N. H. Div. Jalgaon's letter dtd. 05/07/2005.
- 4) The Superintending Engineer's letter dtd. 06/11/2006.
- 5) The rough sketch showing cancelled and existing highways.
- 6) Reference No. 4 dtd. 21/08/2006.

No.I-34014/140/2017-RTI  
GOVERNMENT OF INDIA  
MINISTRY OF ROAD TRANSPORT & HIGHWAYS  
(RTI Section)

dated 16.06.2017

20th

To,  
Shri Atul Ashok Mundada  
Mundada Nagar  
Near Bhushan Colony  
Jalgaon (425002)  
Maharashtra

Sub:- Application under the Right to Information Act, 2005 received from Shri Atul Ashok Mundada

Sir,

I am directed to refer to your application dated 01.06.2017 which has been received in the Ministry on 09.06.2017, seeking information under RTI Act, 2005.

2. In this regard, it has been noticed that your RTI application has been received in the Ministry without prescribed application fee. You are therefore, requested to deposit the application fee of Rs. 10/- either in cash at the Information & Facilitation Counter (IFC, RTI) of the Ministry at the ground floor of Transport Bhawan, New Delhi or through Demand Draft/Bankers' Cheque/Indian Postal Order payable to the "Pay and Accounts Officer (Sect.), Ministry of Road Transport & Highways, New Delhi." Or "Accounts Officer, Ministry of Road Transport & Highways, New Delhi" The application can be entertained under the RTI Act, 2005 only when the "application fee" is deposited as stated above. IPO No- 59E 574954 of Rs 10/- is and court Fee of Rs 10/- along with original Application is returned herewith

Enclose as above

Your Faithfully

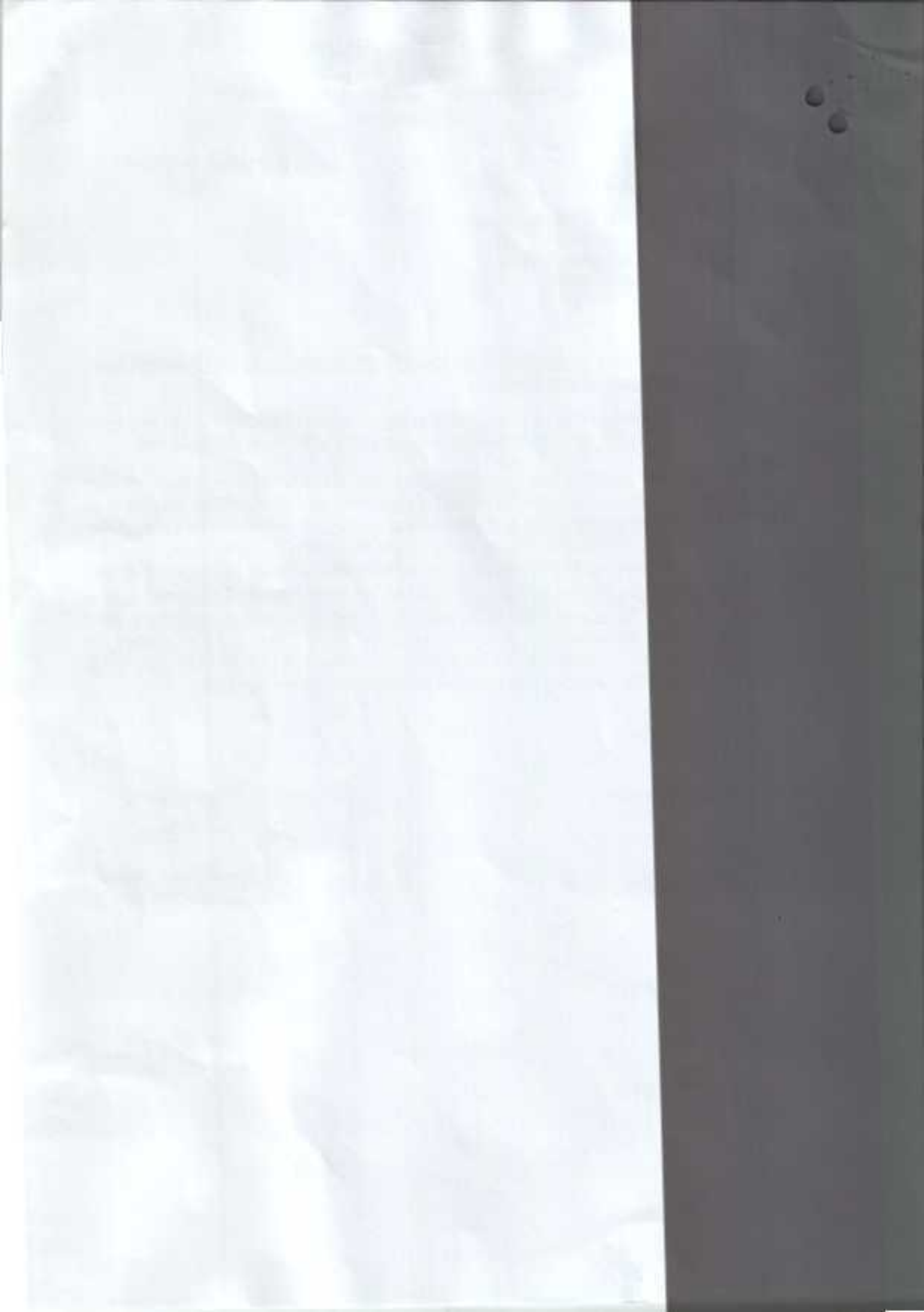
*Ghans*

(Ghanshyam Meena)  
Section Officer (RTI)

Talked to the  
applicant over phone, He said  
he is  
submitting original RTI Application.  
Earlier letter dt 11/6/17 is a  
normal letter.

*16/6/17*





भारतीय डाक विभाग द्वारा जारी किया गया भारतीय डाक आदेश पत्रिका संख्या ०८०००। यह पत्रिका एक रुपये की मूल्य की है।



भारतीय पोस्टल आदेश  
INDIAN POSTAL ORDER

THE DIRECTOR GENERAL OF POSTS

PAID TO The Secretary to Govt of  
Public Ministry of Road Transport  
Highway

THE SUM OF RUPEES TEN ONLY



POSTAGE STAMPS

₹ 10.00 Rs.

COMMISSION 10 PAISE

AT THE POST OFFICE AT

SENDER MAY FILL IN HIS NAME AND ADDRESS HERE

Atul Munda

Munda Nagar

Talgam-425002 (M.S.)

POSTMASTER

DO NOT WRITE BELOW THIS LINE

59E 574954

भारतीय डाक विभाग द्वारा जारी किया गया भारतीय डाक आदेश पत्रिका संख्या ०८०००। यह पत्रिका एक रुपये की मूल्य की है।

