

Court No. - 6

Case :- WRIT - C No. - 30253 of 2023

Petitioner :- Riyaz Ahmad @ Riyaj

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Vinod Kumar Tiwari

Counsel for Respondent :- CSC, Kunal Ravi Singh, Mohammad Ali Ausaf

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Vinod Kumar Tiwari, learned counsel for the petitioner, Mr. Kunal Ravi Singh, learned counsel for respondent nos.2 and 3 and learned Standing Counsel for the State-respondent.

This writ petition has been filed by the petitioner with a prayer to direct respondent nos.1 and 3 to comply the order dated 17.02.2023 as passed by respondent no.2 and further direct the respondents to provide information to the petitioner as demanded by him under the Right to Information Act, 2005.

An objection has been raised by Mr. Kunal Ravi Singh, learned counsel for respondent nos.2 and 3 as regards the implementation of the order dated 17.02.2023, the petitioner has no locus as the punishment as imposed has to be seen by the authorities concerned. He further submits that the appeal has to be filed under Section 19 of the R.T.I. Act, 2005 for the second prayer to provide the information as required. Placing reliance upon the judgment passed by Hon'ble Apex Court in the case of **Chief Information Commissioner and others vs. State of Manipur and others reported in AIR 2012 SC 864**, he submits that the Commissioner has no power to direct State Information Officer to furnish the information under Section 18 of the Right to Information Act, 2005.

On the aforesaid, learned counsel for the petitioner prays that time may be granted to file an appeal under Section 19 of Right to Information Act, 2005.

Considering the facts and circumstance of the case, without expressing any opinion on the merits of the case, this writ petition is finally **disposed off** with a direction that in case an appeal is filed under Section 19 of the Right to Information Act, 2005 within a period of three weeks from today before the appellate authority, the same may be decided in accordance with law, after giving opportunity of hearing to the parties concerned, by means of a reasoned and speaking order, as expeditiously as possible, ignoring the delay, from the date of production of certified copy of this order, if there is no legal impediment.

Order Date :- 27.10.2023
Kalp Nath Singh