

GAHC040001002024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : CRP/3/2024

Takam Titus
DLRSO, Office at Tato, Shi Yomi District, S/o Takam Kame, resident of Tigdo, PO
Doimukh, Papumpare District, AP

VERSUS

Tachuk Ragyor
Tagur Vilage, PO Tato, Shi Yomi District, AP

Advocate for the Petitioner : Takam Sunil, G Basar

Advocate for the Respondent : Rubu Tani, Honi Tana Tara, Nikita Danggen, K Chotton

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18-12-2024

Mr. T. Sunil, learned counsel for the petitioner, in response, to the query made by this Court as to whether the present proceeding would be maintainable under Article 226 of the Constitution of India had made his submission in the matter.

Ms N. Danggen, learned counsel appearing for the respondent has

on the issue referred to the decision of the Hon'ble Supreme Court in ***Namit Sharma Vs. Union of India*** reported in ***(2013) 1 SCC 745*** wherein the Hon'ble Supreme Court in paragraph-77 of its decision had held that the adjudicatory functions performed by the Information Commission are of serious nature and order passed by the Commission is final and binding and can only be questioned before the High Court or the Supreme Court in exercise of the Court's jurisdiction under Article 226 and/or Article 32 of the Constitution, respectively in relation to the State Information Commission and the Central Information Commission.

The decision of the Hon'ble Supreme Court in ***Namit Sharma (supra)*** relates to the fact that the jurisdiction required to be exercised by this Court against a challenge to an order of State Information Commission would be one available under Article 226 of the Constitution of India.

In view of the said position, learned counsel for the petitioner submits that he be permitted to withdraw the present revision petition with a liberty to file a fresh by invoking a correct provision of law.

Prayer is not objected to by the learned counsel for the respondent.

In view of the above position, learned counsel for the petitioner is permitted to withdraw the revision petition with liberty, as prayed for.

The civil revision petition stands dismissed on withdrawal.

Interim order, if any, stands vacated.

JUDGE

Comparing Assistant