

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

LPA No.1737 of 2015 (O&M)

Date of Decision: 04.12.2015

Manjit Singh

...Appellant

Versus

State Information Commissioner, Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Vaibhav Narang, Advocate, for the appellant.

HEMANT GUPTA, J.

The present letters patent appeal under Clause X of the Letters Patent is directed against an order passed by the learned Single Judge of this Court on 23.09.2015, whereby the writ petition filed by the appellant against the orders of the Authorities under the Right to Information Act, 2005 (for short 'the Act') was dismissed. The information sought by the petitioner, as noticed by the learned Single Judge, is as under:

‘Those documents may be supplied, which reveals that the violations committed at the time of land acquisition and those violations are admitted also, provide the copy of that order passed by any Court/Supreme Court/High Court any order/judgment whereby despite admitted violations the land has been allowed to be acquired.

Those documents may be supplied whereby the land owner have given writing that they are not ready to accept the compensation.

Those documents may be supplied which provides the challan no. regarding compensation, date of compensation payment of compensation and name of the land owners, the total amount deposited.

Certified copy of letter No.159 dated 12.06.2014 and letter No.6 DA dated 12.06.2014 may be supplied.

Those legal documents of land acquisition may be supplied which reveals that the violations which have been committed and admitted at the time of land acquisition and by misinterpretation the order of the court and the acquisition which have been legally cancelled can be restored and the land owners rights can be ignored and without taking any action land can be acquired. This action is violation of natural justice or justice may be granted keeping in view the facts.'

We find that the information sought is vague, indefinite and is a fishing enquiry. The information in respect of violations committed at the time of land acquisition and the judgments, whereby the violations have been noticed, cannot be supplied or even compiled by the respondents. The judgments of the Court are in public domain and can be accessed by the appellant. Similarly, the information seeking documents relating to the writing of the land-owners that they are not ready to accept the compensation is again not specific. The Public Information Officer is not expected to dug the files to find out that which of the land-owner has not accepted the compensation. If the appellant has any information about any particular land-owner, the information can be sought and given, but no information can be supplied in respect of vague information sought.

We also find that the information has to be specific, which can be sought and supplied. The fishing enquiry is not intended to be subject matter of Right to Information Act, 2005. Thus, we find that the process adopted by the appellant is gross misuse of the provisions of the Act, firstly, when he filed the writ petition and then the present letters patent appeal.

Consequently, the present appeal is dismissed with costs assessed as Rs.5000/-. The costs be deposited with the Punjab State Legal Services Authority within a period of two months.

(HEMANT GUPTA)
JUDGE

04.12.2015
Vimal

(RAJ RAHUL GARG)
JUDGE