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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 4318/2016

DEVIKA SINGH

..... Petitioner

Through: Mr. Amol Chitle, Advocate with
Mr. Shubham Jaiswal, Advocate.

versus

THE CENTRAL INFORMATION
COMMISSION AND ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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13.05.2016

Present writ petition has been filed challenging the order dated 04th March, 2016 passed by respondent No.1-CIC whereby the information sought by the petitioner vide RTI application dated 29th July, 2015 was rejected on the ground “exempt under Section 8(1)(j) of the RTI Act”.

Petitioner further seeks a direction to respondents to disclose the information sought vide RTI application dated 29th July, 2015.

It has been averred in the petition that petitioner has sought information in respect of the details of the residential address mentioned in her husband's Passport. It has been further averred that petitioner's husband may have mentioned a false residential address in the application filed for obtaining a Passport.

Learned counsel for petitioner states that there is no bar in disclosing personal information in respect of third party under the provisions of RTI Act, if larger public interest justifies the disclosure of such information. He further states that disclosure of information sought by the petitioner would result in detection of any offence committed under the Passports Act, 1967 and therefore, involves a larger public interest.

Learned counsel for petitioner further states that CPIO, Passport Office, Dehradun, without following the procedure under Section 11 of the RTI Act, refused to provide information sought by the petitioner. He also states that the concept of public interest has not been examined by the CPIO.

The queries asked by the petitioner in her RTI application are reproduced hereinbelow:-

- “1. What information has been supplied by Mr. Kunal Chauhan in his passport application form for the said passport no.Z3050038 under the heading “Present Residential Address details”.*
- 2. What information has been supplied by the Applicant Mr. Kunal Chauhan in column 4.1 – residing since.*
- 3. Whether the applicant Mr. Kunal Chauhan has mentioned the period of residence in the present residential address provided as being less than one year.*
- 4. If yes to 3 then whether Column 3 of supplementary form has been filled out and any addresses have been supplied. If yes, please provide the details of the addresses provided and the duration of residence in each.*
- 5. What information has been supplied at column 4, 5 and 6 of supplementary under permanent residential address.*

6. *Whether said passport was issued under tatkaal scheme?*
7. *If yes to 6, then please provide copy of Verification Certificate as submitted in accordance with Annexure F or copy of three documents submitted and Standard Affidavit as per Annexure I.*
8. *If applicable, then please provide names and particulars of the witnesses verifying Mr. Kunal Chauhan's residence.*
9. *If applicable, then please provide name and particulars of the police officer who conducted the verification for Mr. Kunal Chauhan's passport application form.*
10. *Whether the applicant Mr. Kunal Chauhan has provided his spouse's name and child's name under Family Details in passport application form. What are the details provided?*
11. *Whether the applicant Mr. Kunal Chauhan has declared that he has been charged with criminal proceedings. It is submitted that as can be seen from Annexure D, the applicant Mr. Kunal Chauhan is the accused in criminal proceedings which continue to be pending as of date.*
12. *Whether Mr. Kunal Chauhan has supplied in the supplementary form the case/FIR/warrant No. as required along with written permission of the competent court."*

A perusal of the said queries reveals that the petitioner by way of her RTI application is actually indulging in a fishing and roving enquiry. The entire petition is based on a hypothesis of which the petitioner is not sure.

In any event, it seems that petitioner and her husband have filed numerous legal proceedings against each other. If the petitioner's husband has furnished a false address in his Passport, the petitioner would have

ample opportunity to cross-examine her husband in the pending proceedings.

Consequently, this Court is of the view that the impugned order calls for no interference in the writ jurisdiction. Accordingly, present writ petition is dismissed.

MANMOHAN, J

MAY 13, 2016

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