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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5147/2016

MANOHAR SINGH

..... Petitioner

Through Petitioner in person.

versus

CENTRAL INFORMATION COMMISSION & ANR

..... Respondents

Through None

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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31.05.2016

Present writ petition has been filed challenging the order dated 28th July, 2015 passed by respondent No.1-CIC whereby Commission allowed petitioner's second appeal and further directed respondent No.2 to provide information sought by the petitioner vide his RTI application dated 5th October, 2012 subject to the petitioner producing an order from the competent court that the petitioner is the only legal heir of property bearing No.3372, Sector-35-D, Chandigarh and the petitioner pays the requisite fee as asked vide letters dated 16th October, 2013 and 23rd November, 2013.

It has been averred in the petition that petitioner vide his RTI application dated 5th October, 2012 had sought information in respect of his parental property bearing No.3372, Sector 35-D, Chandigarh.

The petitioner who appears in person states that respondent No.1-CIC has failed to appreciate that petitioner being the son and one of the legal heirs of late Mr. Sampuran Singh has *locus standi* to seek information in respect of the property in question and the

information sought is not third party information. He further states that CIC has gravely erred in presuming that the petitioner is the only legal heir whereas the petitioner had never made any such claim.

The petitioner further states that the letters dated 16th October, 2013 and 23rd November, 2013 wherein petitioner was requested to deposit the requisite fees for getting the required information were never received by him. He submits that respondent No.2 as per Section 7(6) of the RTI Act is obliged to provide information free of cost.

Since the respondents to the present writ petition are quasi judicial authorities, this Court does not deem it appropriate to issue notice in this petition.

Having heard the petitioner, this Court is of the opinion that since the petitioner is admittedly one of the sons and the co-owner of the property in question, it can't be said, as the CIC has held that the petitioner has no *locus standi* to file the RTI application. Further the condition of submission of NOC from other legal heirs is totally uncalled for as the petitioner admittedly has a share in the said property.

This Court also finds that the CIC has not examined the petitioner's plea of applicability Section 7(6) of the RTI Act. Consequently, the impugned order is set aside and the matter is directed to be decided afresh by the CIC.

In view of the above directions, the writ petition stands allowed.

MANMOHAN, J

MAY 31, 2016/KA