

\$~53

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

Judgment delivered on: 16.09.2016

+ **W.P.(C) 8143/2016**

LT. COL NAVEEN KUMAR ANAND Petitioner

versus

UNION OF INDIA & ORS. Respondents

Advocates who appeared in this case:

For the petitioner: Petitioner in person.

For the Respondent: Mr. Jasmeet Singh, CGSC with Ms. Gayatri Aryan and Mr. Saurabh Tiwari, Advocates for respondent No.1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

% **16.09.2016**

The petitioner has filed the present petition seeking a mandamus to the respondents to comply with the order of the Central Information Commission dated 10.08.2016, by which the respondent No.2 has been directed to furnish information to the petitioner. The petitioner submits that it took the petitioner three years to get a direction directing the respondents to furnish information. It is contended that the respondent No.2 has failed to furnish information in terms of the directions of the Central Information Commission

dated 10.08.2016. The petitioner seeks enforcement of the order dated 10.08.2016 as well as initiation of proceedings under Section 20 of the Right to Information Act, 2005.

In my view, the petition is not maintainable. The petitioner has to approach the Central Information Commission for enforcement of its orders. Reference may be had to Central Information Commission (Management) Regulations, 2007, and, more particularly, Regulation 4(15) which lays down the powers and functions of the Registrar and it specifies that the Registrar shall be responsible for compliance of the order, directions or decision passed by the Commission and to take all necessary steps in that regard.

Furthermore, the petitioner can always approach the Central Information Commission under Section 20 of the Right to Information Act, 2005, if the petitioner is aggrieved by an action of the respondents in failing to comply with the directions of the Central Information Commission. Learned counsel for the respondents submits that the directions of the Central Information Commission have already been complied with. Without going into the controversy whether the directions of the Central Information Commission have been complied with or not, in my view, this Court cannot be converted into an executing Court for executing the order of the Central Information Commission. The Act and Regulations provide sufficient remedies to a petitioner for seeking enforcement of

the order passed in his favour. There is no order by which the petitioner is aggrieved or which is impugned in the present petition. The petitioner is merely seeking enforcement of an order and initiation of proceedings for alleged non-compliance thereof. The petitioner, in the first instance, should exhaust the remedies provided under the Statute.

In my view, the present petition is not maintainable. The same is, accordingly, dismissed.

It is clarified that no opinion is being expressed on the merits of the petition.

SANJEEV SACHDEVA, J

SEPTEMBER 16, 2016
st