

\$~57

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

%

Judgment delivered on: 19.12.2016

+ **W.P.(C) 11830/2016**

AJAY GAUTAM

..... Petitioner

versus

PIO DELHI WAQF BOARD AND ANR

..... Respondents

Through

Advocates who appeared in this case:

For the Petitioner : Petitioner in person.

For the Respondent : Hashmat Nabi, Advocate for respondent No.1.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

19.12.2016

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner impugns order dated 14.09.2016, passed by the Central Information Commission, whereby, the case of the petitioner has been decided in terms of order dated 29.07.2016 in an earlier decided case No.CIC/SA/A/2016/001672.

2. The petitioner, who appears in person, submits that the said case, on the basis of which the impugned order has been passed, pertains to an RTI application with regard to the Mosque at Darya

Ganj, whereas, the present appeal pertains to an RTI application with regard to (1) Madni Jasjid, (2) Masjid Amina Firdose, (3) Masjid Bhag Wali, (4) Masjid & Madarsa and (5) Masjid Chand Tara Wali New Sanjay Amar Colony, which is completely different from the other application which was filed by the petitioner.

3. It is contended that the two applications are completely different and different replies have been received. He submits that the decision in the case, referred to by the CIC, does not operate as *res judicata* or *issue estoppel* insofar as the present petition is concerned.

4. Issue notice. Notice is accepted by the learned counsel appearing for the respondent No.1. With the consent of learned counsel for the respondent No.1, the petition is taken up for final disposal.

5. Learned counsel for the respondent No.1, is not able to point out as to how the decision of the CIC in order dated 29.07.2016 in the case No.CIC/SA/A/2016/001672, copy of which has been produced by the learned counsel for the respondent, is applicable in the facts of the present case.

6. Since the two RTI applications seek information with regard to different properties, the decision in the above referred case would not operate as *res judicata* or *issue estoppel*.

7. In view of the above, the order of the CIC dated 14.09.2016 is

clearly not sustainable. Accordingly, order dated 14.09.2016 is set aside. The appeal is restored to its original number. The appeal is remitted to the CIC to be decided afresh on merits. The parties shall appear before the CIC for directions on 18.01.2016.

8. It is clarified that this court has not examined the merits of the contention of either party. The CIC shall decide the appeal without being influenced by anything stated in this order.

9. The writ petition is allowed in the above terms.

10. *Dasti* under the signatures of the Court Master.

DECEMBER 19, 2016

‘st

SANJEEV SACHDEVA, J

