

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3256 OF 2015

Sachin Madhukar Manjarekar ... Petitioner

V/s.

Public Information Officer & ors. ... Respondents

Mr. Dushyant Pagare i/b. Rajan R. Yadav for the petitioner.

Mr. D.A. Nalwade for respondents 1 to 3.

Mr. Vikas Mali, AGP for respondent no.5.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE, JJ.**

5th June, 2017.

P.C.

The petitioner sought certain information from SRA. It is contended that as the said information was not provided, the petitioner filed application under Right to Information Act, 2005. By an order dated 3rd February, 2014 the Designated Officer under Section 19(1) of the Right to Information Act, 2005 rejected the application of the petitioner. Against the said order the petitioner preferred an appeal to the State Information Commission. By an order dated 28th February, 2014 the State Information

Commission directed the SRA to provide the information. It is the contention that some information was not provided, therefore, the petitioner again approached the State Information Commission.

2. By an order dated 19th May, 2014 the State Information Commission issued further directions under Section 19(8)(A) and Section 20 (2) of the Right to Information Act, 2005. It is the petitioner's grievance that inspite of said order the SRA did not provide the information. Therefore, the petitioner again approached the State Information Commission. By an order dated 23rd September, 2014 the application came to be disposed of by the Commission stating therein that the direction has been given under order dated 28th February, 2014.

3. Learned Counsel appearing for the petitioner submits that petitioner's efforts have failed as SRA did not provide necessary information, whereas similar information was provided to other members of Society. The petition was addressed to the State Information Commission on 12th February, 2015 bringing all these developments to the notice of the Commission and for seeking further directions. It is submitted that so far no orders are passed on the said representation.

4. The Counsel appearing for respondent-SRA submits that they have genuine reasons and grounds for not furnishing the information to the petitioner. It is already informed to the petitioner that inspection of the relevant documents was already given to the petitioner but the CDs which the petitioner is demanding are not in possession of the SRA.

5. Learned Counsel further submits that they tried to ascertain as to whether any other person including the builder, developer and Society members and Administrator of Society are in possession of the said CD but none of them replied to the queries made by the SRA authorities. In the facts, we make it clear that in a petition filed by the petitioner, we would not be deciding the issue as to the reasons behind not furnishing the information by the respondent to the petitioner. The respondents do have their independent remedies. We do not express any opinion on the same. The petitioner has prayed for following reliefs:-

“(a) this Hon'ble Court be pleased to issue writ of mandamus and/or any other appropriate writ thereby passed the necessary directions and orders and direct the Respondents to furnish the documents sought by the Petitioner in his application dated 17.12.2013.”

6. In the facts of the case, the petitioner may resort to appropriate remedy as specified in the Right to Information Act, in case the information as sought for is not provided. The petition in this regard is already pending before the State Information Commission.

7. With these observations, Writ Petition stands disposed of.

(SMT. BHARATI H. DANGRE, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.