

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18858 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent Nos.2 and 3 herein in not furnishing the information sought for by the petitioner through an application, dated 06.02.2017, filed under Right to Information Act, 2005 (for short, “the R.T.I. Act”) as illegal, arbitrary and contrary to the provisions of the said Act.

2. The averments in the writ petition, in brief, are as follows:

Respondent Nos.2 and 3 filed O.A.No.446 of 2016 before the Andhra Pradesh Hindu Charitable and Religious Institutions and State Endowments Tribunal, Guntur (for short, “the Tribunal”) against the petitioner under Section 83 of the Andhra Pradesh Hindu Charitable and Religious Institutions and Endowments Act 30 of 1987. He was served with a notice, dated 31.10.2016, for appearance before the Tribunal on 15.12.2016 at 10:30 A.M. Pursuant thereto, he appeared before the Tribunal along with his Advocate and sought time for filing counter. Meanwhile, he filed an application under the R.T.I. Act on 06.02.2017 before respondent No.3 *inter alia* requesting him to furnish certain documents. Having received the said application, respondent No.3 has forwarded the same to respondent No.2 to furnish required information to the petitioner and marked a copy of the same to him on 20.02.2017. Respondent No.2, having received the same, did not furnish the required documents. Along with the petitioner, three more persons to whom notices were sent by the Tribunal

have filed similar applications before respondent No.3 and the same were forwarded to respondent No.2 to furnish the information sought for. Respondent No.2, by his order, dated 23.02.2017, informed that the information sought for cannot be furnished under the R.T.I. Act in view of the order, dated 27.03.2012, passed by this Court in W.P.M.P.No.8331 of 2012 in W.P.No.6560 of 2012 wherein the memo of the Commissioner of Endowments applying the provisions of the R.T.I. Act to all the Charitable, Hindu Religious and Endowments Institutions was suspended. As the petitioner has not received any orders, he met respondent No.2 personally and requested him to furnish the order of refusal, dated 23.02.2017, but he has refused the same. Unless the petitioner is provided with the information required, it is not possible for him to file counter before the Tribunal and the learned Chairman is insisting him to file counter failing which *ex parte* orders would be passed against him. Respondent Nos.2 and 3, having filed the Original Application, are bound to provide with the information or file documents along with the O.A. Having failed to do so, pressurizing the Tribunal to take up the matter is illegal. Hence, he filed the present writ petition.

3. Heard and perused the material available on record.

4. Considering all the facts and circumstances of the case, this Court is of the opinion that the order passed by this Court in W.P.M.P.No.8331 of 2012 in W.P.No.6560 of 2012 will not stand in the way of the petitioner to get the certified copies of the documents, if any, filed before the Tribunal in the aforesaid O.A. The petitioner is at liberty to seek certified copies of the

documents, if any, filed before the Tribunal to establish his rights and he can peruse the records also.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 12.06.2017
AMD



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AMD