

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40870 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of writ of Mandamus declaring the inaction on the part of the respondents No.2 and 3 in furnishing the information sought by petitioner through the application, dated 13-06-2017 under Right to Information Act, 2005 requesting him to provide the information relating to the area where the eighty feet road is passing through in Sy.No.768/1 of Bhagya Nagar Colony, Chinna Chowk, Kadapa City, Y.S.R.District as per the Approved Master Plan and the consequential proceedings in Lr.L.Dis.No.2774/2017/RTI, dated 03-08-2017 wherein he has directed the petitioner to approach the respondent No.2 for the information which petitioner have sought, as arbitrary, illegal, abdication of statutory duty caste on him and violative of the fundamental rights guaranteed to petitioner under Articles, 14, 19 and 21 of the Constitution of India and consequently direct the respondents No.2 and 3 to furnish the information which petitioner sought through application, dated 13-06-2017 submitted by petitioner forthwith and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *V.R.Reddy Kovvuri*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the respondents 1 & 2, and of Sri *S.D. Goud*, learned Standing Counsel appearing for the 3rd respondent. I have perused the material record.

3. From the pleadings and submissions, it is discernible that the petitioner requested for certain information regarding 80 feet wide

Master Plan road passing through Bhagya Nagar Colony, Chinna Chowk, Kadapa City, Y.S.R.District, in Survey No.768/1, from the Public Information Officer, Office of the Directorate of Town and Country Planning, Gorantla, Guntur. However, the said Officer transferred the application of the petitioner, in original, as per the provisions of the Right to Information Act, 2005, to the Commissioner, Kadapa Municipal Corporation, Kadapa, i.e., the 3rd respondent herein, with a request to furnish the information to the applicant directly under the Right to Information Act, 2005, within the stipulated time. The petitioner was also advised to approach the Kadapa Municipal Corporation, Kadapa, for getting information sought for by the petitioner *vide* the letter, dated 03.08.2017. However, when the petitioner approached the said authority, the information sought for was not furnished. Aggrieved thereby, the petitioner filed this writ petition.

4. Learned counsel for the petitioner, during the course of hearing, brings to the notice of the Court that the petitioner already preferred an appeal before the competent appellate authority as per the provision of Section 19 of the said Act.

5. Learned Standing Counsel appearing for the 3rd respondent Municipal Corporation would submit that in view of the efficacious alternative relief available to the petitioner, the writ petition is not maintainable.

6. Recording the submissions, the Writ Petition is dismissed as not maintainable, however, reserving liberty to the petitioner to pursue the appeal, which the petitioner was said to have preferred before the appellate authority.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 6th December, 2017

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