

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-17975-2013 (O & M)
Date of decision: 15.11.2017**

Dharambir Singh

....Petitioner(s)

V/s

Directorate of Census Operations, Haryana and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ankur Sidhar, Advocate, for Mr. Rajesh Khandelwal,
Advocate, for the petitioner.

Mr. Vivek Singla, Advocate for UOI.

Rajan Gupta, J. (Oral)

Petitioner has sought a writ in the nature of mandamus to direct the respondents to supply information required by him under the provisions of Right to Information Act, 2005. His plea has been rejected by the CPIO and the appellate authorities. It is urged before the court that information sought under the Census Act, 1948, ought to have been supplied to the petitioner. The authorities have declined the same without assigning any cogent reason.

Learned State counsel has, however, refuted the plea. Relying upon judgment of this court in case titled as '*Shri P.C. Wadhwa Vs. Central Commission and others, LPA No. 1252 of 2009 decided on 29.11.2010*', he submits that provisions of Section 15 of the Census Act are not inconsistent with the provisions of Right to Information Act, 2005. Information supplied to the Census office cannot be made public in view of statutory bar imposed by Section 15 of the Census Act, which is not inconsistent with Section 22 and Section 8(1) (j) of the Act. Besides, the

record pertaining to Census carried out in the years 1961 and 1971 has since been destroyed.

I have heard learned counsel for the parties and given careful thought to the facts of the case, the application of the petitioner for supplying information to him, was declined on the ground that information maintained by the Census department is secret in nature. The same could not be supplied to him. Aggrieved petitioner filed appeal before the appellate authority. However, same was declined.

After due consideration of the matter, I feel that the judgment rendered by this court in 'P.C. Wadhwa's Case (supra) is applicable to the facts of the present case. Special Leave Petition preferred against the aforesaid judgment was dismissed by the Apex Court vide its order dated 18.04.2014. Under the circumstances, no case for interference in writ jurisdiction is made out. Dismissed.

November 15, 2017
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No