

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP 3344 of 2017

Date of Decision: April 5, 2017

Satish Kumar Bhiri

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.A.S. Saini, Advocate for the petitioner.

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M.M.S. BEDI, J.

The petitioner has sought issuance of a writ in the nature of mandamus to the State Information Commission, Punjab and other Public Authorities of the office of Transport Department of District Faridkot to provide information sought for by the petitioner under the Right to Information Act, 2005, for short 'the Act', in his application annexure P-1. He has also challenged the order dated September 22, 2016, annexure P-6 passed by the State Information Commission vide which an appeal filed by the petitioner was disposed of and the matter was closed in absence of the petitioner.

Brief facts relevant for the decision of the case are that the petitioner had sought information under the Act from the Public Information Officer of the District Transport Officer Faridkot, vide application dated April 22, 2015 pertaining to the number of cases of transfer of registration of vehicles of every category from other districts and States from April 1, 2010 till the date of filing of application and attested copies of all the documents attached to register the vehicles from other Districts and States from April 1, 2010 till the date of application. Petitioner claims that when respondent No.4 failed to provide the information, he filed first appeal dated June 26, 2015 before the State Transport Commissioner but he did not provide such information. Petitioner claims that he filed second appeal before respondent No.2- State Information Commission, Punjab, seeking a direction to respondents No.3 and 4 to supply information sought for by him as per his application under the Act. It is averred in the petition that on notice in the second appeal, respondent No.3 issued a letter dated December 1, 2015 to respondent No.2 in which it was stated that the information sought for by the petitioner belongs to third party who are in lacs and it is impossible to inform about so many persons. Apart from this, there are 10/15 papers attached with each document and it was impossible to photocopy the same because to photocopy these documents apart from staff 4/5 months time would be required and the expense would be in lacs. Copy of the letter has been placed on record as annexure P-4. The grievance of the petitioner is that it was the duty of respondent No.4 to inform about the extent and other

terms for seeking the information as per the provisions of the Act, but nothing was done. Petitioner had gone to the office of respondent No.4 as per the directions of respondent No.2 on May 12, 2016 but respondent No.4 denied for inspection of the record and refused to supply the copies identified by him on the pretext that information sought for is huge and voluminous and it is related to the third party.

The second appeal filed by the petitioner has been closed vide order annexure P-6 by State Information Commission which reads as follows:-

“Present: None on behalf of the appellant as well as the respondents.

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Shri Satish Kumar Appellant vide an RTI application dated 22.04.2015 addressed to PIO, sought certain information on three points regarding the vehicles which have been transferred from other districts and other states during the period from 1.4.2010 till date.

2. Today, none is present on behalf of the appellant as well as the respondents. However, a letter dated 21.9.2016 has been received through e-mail from DTO, Faridkot informing that the relevant record has been inspected by the appellant and identified documents have been supplied to him. The appellant is not present without any

intimation nor any observations have been received from him which shows that he is satisfied with the provided information.

3. Accordingly, the case is disposed of and closed.”

Vide order dated February 21, 2017, the petitioner was required to furnish an affidavit that he was ready to deposit the tentative cost of information which was approximately Rs.2/3 lacs in advance. On March 29, 2017, counsel for the petitioner submitted that the petitioner was not able to deposit Rs.2/3 lacs as cost of the material to be provided. Counsel referred to Section 7 (6) of the Act which provides that in case the Public Authority fails to comply with the time limit specified in Section 7 (1) of the Act i.e. 30 days, the applicant will be entitled to the information free of charge.

I have considered the contention of counsel for the petitioner. The information sought for by the petitioner pertains to period of about 6 years pertaining to the transfer of registration of vehicles of all categories from other districts and other States. He also requires copies of old and new registration records besides the attested copies of all the documents attached to the applications for registration of the vehicles from other districts and States w.e.f. April 1, 2010. The information sought for is apparently voluminous requiring involvement of the staff to search the entire record of 6 years pertaining to all the documents of transfers of vehicles from other districts and States. The information is certainly pertaining to the third

parties who have not even been mentioned. The information sought for is in the shape of fishing inquiry.

Since the petitioner has claimed that the information has not been supplied within 30 days, he is entitled for information free of cost, the petitioner was asked to as to what is the purpose of the information sought for. Instead of disclosing the purpose, counsel for the petitioner submits that petitioner has got a statutory right under Section 6 (2) of the Act not to furnish any reason for requesting the information asked for.

No doubt, there is no provisions for disclosing the reason or purpose for seeking particular information but the purpose becomes relevant in order to determine the facts whether the information sought for pertains to public purpose or falls under the exception under Section 8 of the Act. The Apex Court in **Girish Ramchandra Deshpande Vs. Central Information Commissioner & Ors.**, 2012 (5) Recent Apex Judgments 205 has observed that in case the information sought for has got no relationship to any public activity or interest and the disclosure of the same cause unwarranted invasion of privacy of third party, the claim for information can be denied.

In the present case, the petitioner has neither disclosed the reason for information nor has been able to establish as to how the disclosure of the information has got relation to any public activity or public interest as such his application has been rightly closed.

No ground is made out to interfere in the impugned order annexure P-6.

Dismissed.

April 5, 2017
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.