

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 726 OF 2018
WITH
WRIT PETITION NO. 727 OF 2018
WITH
WRIT PETITION NO. 728 OF 2018
WITH
WRIT PETITION NO. 729 OF 2018

SHAIKH NIZAM JAINUDDIN
VERSUS
THE PUBLIC INFORMATION OFFICER,
MUNICIPAL COUNCIL, BEED AND OTHERS

Advocate for Petitioner : Shri H.V. Tungar.
AGP for Respondent No. 3 : Shri V.S. Badakh.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 24th January, 2018

PER COURT :

1. These matters were heard for some time on 22/01/2018. A peculiar situation has occurred wherein the application filed by these petitioners seeking information under the Right to Information Act, from the Chief Officer, Nagar Municipal Council, Beed, was kept pending and the petitioners did not get any decision on their applications. Therefore, the petitioners approached the Information Commissioner, State of Maharashtra by moving their Second Appeals under Section 19 (3).

2. By the impugned order dated 20/11/2017, delivered by the

first appellate authority Chief Officer, Municipal Council, Beed, the petitioners realized that their Second Appeals which were preferred before the State Information Commission, were transmitted to the first appellate authority for adjudication in a special drive for reducing the mounting pendency of applications before the State Information Commission. There is no dispute that earlier the first appellate authority had not delivered any order on the applications filed by the petitioners.

3. In the above backdrop, I had called upon the learned AGP to collect instructions. It is informed, on instructions today that since, the first appellate authority had not decided the applications and as the petitioners had approached the State Information Commissioner, the first appellate authority was directed to consider the claims of these petitioners and pass appropriate orders. The appeals filed by these petitioners are still pending before the State Information Commissioner.

4. Considering the above, it would be open to the petitioners to canvass their claims in the pending appeals before the State Information Commissioner and the impugned orders dated 20/11/2017, can be subjected to the result of the pending appeals.

5. Learned counsel for the petitioners submits that these petitions can, therefore, be disposed of and leave may be granted to the petitioners to raise additional grounds in the pending appeals before the State Information Commissioner, so as to assail the impugned orders passed by the first appellate authority without prejudice to their rights for being supplied information free of costs as well as the effect of Section 20 of the Right to Information Act.

6. Considering the above, these petitions are disposed of.

7. On the request of the petitioners, they would appear before the State Information Commissioner on 09/02/2018 at 11.00 a.m. Additional grounds for assailing the impugned orders passed by the first appellate authority shall be tendered on the same date before the concerned authority. The petitioners shall then abide by the dates of hearing as may be posted by the concerned authority. Needless to state, formal notices need not be issued to the petitioners. In the event of any notice required to be issued to any other concerned party, the State Information Commissioner may accordingly do so.

(RAVINDRA V. GHUGE, J.)