

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7939 OF 2018

Peter Dominik Colaso ... Petitioner
Versus
Vasai Virar Municipal Corporation through its
Commissioner and others ... Respondents

Mr. Prashant P. More for Petitioner.
Ms Swati Sagvekar for Respondents No.1 and 2.
Mr. D. V. Sawant i/b. Mr. Vilas L. Indulkar for Respondent No.3.

CORAM: NARESH H. PATIL, ACTING CJ &
R. G. KETKAR, J.
DATE : SEPTEMBER 11, 2018

P.C.

The Counsel for the petitioner states that petitioner has made several representations on continuous basis to the Competent Authority about breaking of drainage pipeline by respondent No.3, who occupies property adjoining to the petitioner's. A police complaint was also made by the petitioner. Ultimately, Designated Officer under the Right to Information Act, 2005 (for short 'R.T.I. Act') dealt with the appeal filed by the petitioner under Section 19(1) of the R.T.I. Act in exercise of appellate power. The authority concerned directed the In-charge Assistant Commissioner of the concerned Ward to take action against the person, who had demolished the pipeline laid by the Corporation, and to intimate the action taken report within 10 days to the petitioner.

2. The Counsel appearing for the petitioner submits that though the order was passed on 07.03.2018, no action has been taken by the Corporation. He, therefore, seeks necessary direction of this Court for implementation of that order.

3. The Counsel appearing for the respondent No.3 has referred to the definition of “information” under Section 2(f) as also provisions of Section 11 of the R.T.I. Act. Section 2(f) of the Act reads thus,

“2. Definitions.- In this Act, unless the context otherwise requires,-

(f) 'information' means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any law for the time being in force;

4. Mr. Sawant submits that respondent No.3 was not given notice. He further submits that if any decision is to be taken in respect of the subject matter then the authority has to be designated one under the Maharashtra Regional and Town Planning Act, 1966 and not under the R.T.I. Act. The Counsel submits that the issue goes to the root of the matter with regard to the maintainability of the proceedings before the designated officer under

the R.T.I. Act.

5. We have perused the record and considered the submissions advanced. In the facts, we are not inclined to entertain the Petition and issue direction as sought by the petitioner. Needless to mention that the designated officers and the authorities under the R.T.I. Act shall exercise jurisdiction strictly in accordance with law. Petition is accordingly disposed of.

R. G. KETKAR, J.

ACTING CHIEF JUSTICE

Minal Parab