

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

62 WRIT PETITION NO.9609 OF 2017

**BABASAHEB BHAU KARAD
VERSUS
THE BLOCK DEVELOPMENT OFFICER CUM PUBLIC INFORMATION
OFFICER AND OTHERS**

...
Advocate for Petitioner : Shri V.C. Patil Ashtekar
AGP for Respondents – State : Shri K.S.Patil
Advocate for Respondent Nos.1 to 3 & 6 : Shri A.P.Deshmukh h/f.
Shri Ashwin V. Hon

...
**CORAM : P.R.BORA, J.
DATE: 18th March, 2019**

PER COURT:-

1 Aggrieved by the order passed by the State Information Commissioner Bench at Aurangabad on 27.02.2017, in Appeal No.3687 of 2015, the present petition is filed.

2 The petitioner had demanded the copies of Form No.8-A in respect of land owned by respondent No.6 for legal purpose. The said request was turned down by the lower authorities and ultimately the State Information Commissioner has also dismissed the appeal filed by the petitioner holding that the information sought by the petitioner was personal information of respondent no.6 and hence was falling in the exemption under Section 8 (1) (j) of The Right to Information Act, 2005 (hereinafter referred to as 'the Act').

3 When the present petition was taken up for hearing, the learned Counsel for the petitioner tendered across the bar the order passed by the same State Information Commissioner, Bench at Aurangabad on 06.11.2017, in Appeal No.5123 of 2016 whereby he has allowed the appeal of the appellant therein and has directed to provide the said appellant the documents demanded by him, which include the copies of Form No.8A of the respondent therein.

4 It appears that the mistake committed by the learned State Information Commissioner while passing the impugned order has been rectified by him in the subsequent matter. Even otherwise, the view earlier taken by the learned State Information Commissioner was wrong. In no case, the information containing in Form No.8A can be held to be personal information so as to exempt it by invoking provisions of Section No.8(1) (j) of the Act.

5 For the reasons stated above, the petition deserves to be allowed with the following order:-

ORDER

- I) The authorities concerned shall provide to the petitioner the copies of Form No.8A pertaining to the properties of respondent No.6 – Shri Pandurang Bhau Karad, by accepting the requisite charges therefor.
- II) Petition thus stands allowed in the aforesaid terms.

(P.R.BORA)
JUDGE

SPT