

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.14884 OF 2019

BABAN VITHOBA AVHAD

VERSUS

MAHARASHTRA STATE INFORMATION COMMISSION AND OTHERS

...

Advocate for Petitioner :Mr.Amol S. Gandhi

AGP for Respondent Nos.1 to 3 : Mr.S.R.Yadav

...

CORAM : RAVINDRA V. GHUGE, J.

DATE : 18th December, 2019.

PER COURT :-

1. On 10/12/2019, I had passed the following order:-

"1 The petitioner is aggrieved by the order dated 25.07.2019 passed by the State Information Commissioner at Nashik (respondent no.1 herein) concluding in paragraph 2 on page 2 of the order that the petitioner has already been supplied with necessary information and documents as per the records available with the Sub Divisional Police Officer, Shevgaon vide order dated 19.06.2019.

2 The learned advocate for the

petitioner makes a solemn statement that no such information was supplied and the petitioner is yet to receive such information and the conclusion drawn in the said second paragraph is incorrect.

3 The learned AGP appearing on behalf of the respondents submits that this matter can be posted in the passing orders category on 18.12.2019 as he would collect necessary instructions.

4 Stand over to 18.12.2019 (Wednesday) for "passing orders".

2. The learned A.G.P. has strenuously opposed this petition. With his assistance I find from the application filed by the petitioner under the Right to Information Act, 2005, dated 20/06/2016 that he has prayed for information as regards two enquiries if they have been conducted. By the impugned order, the petitioner is informed that the enquiries are conducted and it also stated that the information has been supplied to him.

3. The learned Advocate for the petitioners submits that the petitioner makes a statement on oath

before this Court that no information has been given to him as sought in Clause No.3 of his application dated 20/06/2016.

4. In view of the above, this petition is partly allowed with the following directions:-

(a) The information sought by the petitioner in Clause No.3 of his application dated 20/06/2016, which is based on two enquiries conducted, is not supplied to him and the said information shall be supplied to him on or before 17/01/2020, failing which, respondent Nos.2 and 3 shall be responsible for intentional disobedience of the Court order.

(b) The action proposed by the State Information Commissioner, Nashik Division, Nashik, as set out in paragraph No.3 on internal Page No.2 of the impugned order dated 25/06/2019, shall be taken to a logical end in accordance with Section 20(1) of the Right to Information Act, 2005.

(RAVINDRA V. GHUGE, J.)