

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10347 OF 2013

Mr.Anwar Gulamhusain Bagban. ... Petitioner.
V/s.
State of Maharashtra and others. ... Respondents.

Mr.Sagar Kursija i/b. Mr.T.D.Deshmukh for the petitioner.
Ms.Nisha Mehra, AGP for respondent Nos.1 to 3.

CORAM : A.S.OKA AND M.S.SANKLECHA, JJ.

DATE : 29th March 2019

P.C.:

Perused the letter dated 27th March 2019 addressed by the Desk Officer of the State Information Commission, Pune to the learned AGP. It records that an interim order was passed in second appeal preferred by the petitioner under sub-section (3) of section 19 of the Right to Information Act, 2005. The interim order was passed on 5th December 2011 which is not yet complied with. It records that as this writ petition is pending from the year 2013, the final order has not been passed in the second appeal.

2. There was no reason for the State Information Commission to stay its own hands only on the ground that writ petition is pending. There was no ad-interim or interim relief granted in the petition preventing the State Commission from finally disposing of the appeal.

The learned counsel appearing for the petitioner submits that the interim order was passed by the State Commission is not yet complied with. If that be so, the petitioner can always raise the said issue in the pending second appeal.

3. Considering the fact that the second appeal remained pending only because of the pendency of the writ petition right from the year 2013, we propose to fix a time bound programme for disposal of the appeal.

4. Accordingly, subject to what is observed above, we dispose of this petition by passing the following order:

O R D E R

The pending second appeal preferred by the petitioner shall be decided by the State Information Commission, Pune Division, Pune as expeditiously as possible and, in any event, within a period of three months from the date this order is uploaded on the server;

All the concerned to act on an authenticated copy of this order.

(M.S.SANKLECHA, J.)

(A.S.OKA, J.)