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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 7/2019

ANIL DUTT SHARMA

..... Appellant

Through: Mr. K.K. Sabharwal, Adv. along with
appellant in person

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Rahul Sharma & Ms. Jyoti Dutt
Sharma, Advs. for R-1
Mr. Tushar Sannu & Mr. Udit Kokanthankar,
Advs. for EDMC
Mr. V. Madhukar, Advocate for R-6
Ms. Monika Arora with Mr. Kushal Kumar &
Mr. Harsh Ahuja, Advs. for NDMC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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08.01.2019

CM No.224/2019 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

LPA 7/2019

Seeking exception to an order dated 25.10.2018 passed by the learned Writ Court in W.P.(C) 10581/2017, the appellant has filed this appeal under Clause 10 of the Letters Patent. The W.P.(C) 10581/2018 was filed impugning an order dated 05.05.2017 passed by the Central Information

Commission (CIC) disposing of 76 appeals preferred by the petitioner against the various orders passed by the first appellate authority. It is seen that the petitioner (appellant herein) filed several applications seeking information under the Right to Information Act and the information sought for by the petitioner pertain to unauthorised construction and the officers who were responsible for the unauthorised construction at the relevant time in the respective areas.

The CIC found that the petitioner made application only to one public authority but the information was from various other public authorities and it was found that the petitioner's application has been transferred from one public officer to another. When the matter was pending, the learned Writ Court seems to have asked the petitioner to point out the main application by which information were sought for and based on the submissions made, in para 8 the following findings have been recorded and thereafter in para 9 of the order dated 28.11.2017 the following directions were issued:

"8. After some consideration, this Court is of the view that it would be apposite if respondent nos.4, 5 and 6 provide the petitioner with the names of the officers who would be responsible for providing the information relating to their respective zones including in respect of complaints regarding illegal construction within their respective jurisdiction. The learned counsel appearing for the petitioner and respondent nos. 4, 5 and 6 also concur with the said suggestion. Accordingly respondent nos. 4, 5 and 6 are to provide the names of the nodal officers and the specific officers to whom application under the RTI Act can be made in respect of specific zones and/or areas. Such information will be provided to the learned counsel for the petitioner within a period of one month from today.

(Emphasis supplied)

9. The petitioner could thereafter make a separate application to each of the said officers to seek specific information pertaining to their jurisdiction. In the event the information is available with the said officers and is not exempt from disclosure under the Act, the same would be provided to the petitioner within a period of two months from the date of making such application. In the event it is not feasible to collate the information sought by the petitioner, the concerned officers shall inform the petitioner accordingly and also provide adequate reasons why the same is not feasible.”

Once the learned counsel appearing for the petitioner (appellant herein) accepted the suggestion and the petition was disposed of protecting the right of the petitioner for seeking specific information from the concerned officer under whose jurisdiction the same is available, we see no reason to make any indulgence into the matter. The order passed by the learned Writ Court is based on the consent given by the counsel appearing for the petitioner and merely because the learned Writ Court did not advert to decide the order of CIC on merit, at this stage now in the light of the nature of the order passed we see no reason to make any indulgence as that the appellant can very well seek the information even now based on the liberty granted to him by the learned Writ Court as is reproduced hereinabove. Accordingly, finding no merit, the appeal stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

JANUARY 08, 2019/ns