

WPO/255/2020

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

BISWAJIT GOSWAMI

-Versus-

KOLKATA MUNICIPAL CORPORATION AND
ORS.

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

Date : 27th November, 2020.

(Via Video Conference)

Appearance:

*Mr. Tapas Dutta, Adv.
...for the petitioner.*

*Mr. Alok Kumar Ghosh, Adv.
Mr. Swapan Kumar Debnath, Adv.
...for the KMC.*

The Court : The writ petitioner seeks information and documents, as applied for under applications under the Right to Information Act, dated June 29, 2020, July 13, 2020, July 28, 2020 and July 30, 2020. According to the petitioner, the informations applied for under such applications are necessary for the petitioner to contest demolition case no.071-D/Br.-V/20-21.

Learned Advocate appearing for the petitioner submits that notwithstanding availability of a statutory alternative remedy under the Right to Information Act, a writ petition is maintainable. He draws the attention of the Court to the diverse

orders passed by co-ordinate Bench while considering the writ petition. He submits that the Corporation authorities provided inspection of the documents in terms of the order dated October 15, 2020. However, the Corporation authorities are not providing the relevant documents which the petitioner seeks. He submits that the sanctioned plan produced by the Corporation during inspection is forged. The Corporation is not producing the original sanctioned plan despite the applications.

Kolkata Municipal Corporation authorities are represented.

The petitioner is aggrieved by the Information Officer in not disposing of the four applications under the Right to Information Act, filed by the petitioner. The petitioner, no doubt, has statutory alternative remedy. Where there exists a statutory alternative remedy, the writ Courts are slow to interfere. However, existence of a statutory alternative remedy is not a complete bar to the writ Courts exercising writ jurisdiction.

In the facts of the present case, a co-ordinate Bench, hearing the writ petition, directed inspection of the documents to be given. Such direction is contained in the order dated October 15, 2020. Admittedly, the Corporation authorities gave inspection of the documents as directed. The petitioner is unhappy with the quality of documents produced at the time of inspection. The

applications under the Right to Information Act, are pending disposal before the appropriate authority.

Under such circumstances, it would be appropriate to direct the Information Officer, in seisin of the applications under the Right to Information Act, to dispose of the four applications within a period of one week from the date of communication of this order, if not already done. If the Information Officer already disposed of the applications prior to this order, he will make a fresh communication of the order of disposal of such applications to the petitioner within seven days from the date of communication of this order.

The parties are at liberty to avail of their remedies before the appropriate forum in accordance with law with regard to order of the information officer.

WPO/255/2020 is disposed of accordingly.

(DEBANGSU BASAK, J.)