

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

WRIT PETITION NO. 9526 OF 2019

Kiran Bansi Upkare

.. Petitioner

Versus

The Principal Chief Secretary
Law and Judiciary Department
and others

.. Respondents

Mr. R. C. Bora, Advocate for the Petitioner.

Mrs. V. N. Patil-Jadhav, AGP for Respondents-State.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 11th MARCH, 2020.

PER COURT:-

. Heard the learned counsel for the petitioner.

2. The petitioner is challenging the order passed by the respondent No. 2 / State Information Commission in second appeal.

3. It appears that the petitioner has no propriety to file second appeal when in fact, first appeal was allowed. It would be an abuse of the process of law. The affidavit is filed by the Joint Sub Registrar to the effect that after the first appeal was allowed on 05.05.2018, the respondent No. 4 under letter dated 25.06.2018 requested the petitioner to collect the copies from the office of respondent No. 4. The

petitioner did not turn up in the office of respondent No. 4. Even in second appeal, the respondent No. 4 appeared and made submission that the petitioner is informed to collect the information. The petitioner sought information for the period from 2015 to 2018. It is bulky record. The respondent No. 4 was directed by the respondent No. 2 to provide copies of 50 pages free of cost to the petitioner. The petitioner was communicated under communication dated 16.10.2018 to collect the information. The petitioner is required to pay charges at Rs. 2/- per page for the information beyond 50 pages. The petitioner is not a person below poverty line.

4. The learned counsel for the petitioner has disputed the receipt of the letters as alleged by the respondents.

5. Whether the petitioner has received the letters as contended by the respondents is a disputed question of fact. The petitioner is not a person below the poverty line. The petitioner, it appears to pressurize the authorities had even resorted to file second appeal, when the first appeal was allowed. Such an attitude of the petitioner cannot be encouraged.

6. The petitioner may collect the information as asked by the respondent No. 4 upon payment of necessary charges. It appears that

delay is on the part of the petitioner. In view of the above, the petitioner cannot take benefit of the provisions entitling for free copies beyond thirty (30) days.

7. In the light of the above, writ petition is dismissed. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.