

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.524 OF 2019**

Joan Mascarenhas e D'Souza

... Petitioner

Versus

Public Information Officer & Ors.

... Respondents

Shri Ryan Menezes, Advocate under Legal Aid Scheme for the Petitioner.

Shri P. Arolkar, Additional Government Advocate for the Respondents
No.1 & 2.**Coram:- DAMA SESHADRI NAIDU, J.****Date:- 27th July 2020****ORAL ORDER :**

The petitioner sought from the first respondent—that is, the Public Information Officer-cum-Superintendent of Police, North Goa—information or certified copies of “the statements of witnesses recorded in the inquiry of Crime No.281/2009 registered at Mapusa Police Station.” But, through his order, dt.22.02.2010, the Information Officer rejected that request. It was on the premise that the request attracts Section 8(1) (h) of the Right to Information Act, 2005. In other words, as the matter was sub judice, no information could be given.

2. Aggrieved, the petitioner appealed to the Inspector General of Police. Through an order, dt.09.04.2010, that appellate authority also rejected the petitioner’s request, citing the same reason. Besides, the learned appellate authority has directed thus:

“However, the matter appears to be of religious freedom. S.P. North is to arrange meeting between both factions and bind them for maintaining peace in the locality and to allow free access of the appellant to her property”

3. Further aggrieved, the petitioner has taken the matter to the Goa State Information Commission, the third respondent. Eventually, the learned Commission, through its order dated 01.04.2016, directed the authorities concerned to provide the information the petitioner had sought. For, by then, the very crime about which the information was sought had been disposed of. It actually ended in the acquittal of the petitioner's husband.

4. That said, the Goa State Information Commission has, however, refused to delete the first appellate authority's direction to the S.P. North to arrange a meeting between both factions and bind them for maintaining peace in the locality. Though the petitioner, it seems, has applied to the learned Commission to review its order and reconsider the petitioner's request, that did not yield any result.

5. Aggrieved, the petitioner has filed this Writ Petition.

6. Heard the learned counsel for the petitioner and the learned Additional Government Advocate for the respondent nos.1 & 2.

7. I reckon, after hearing both the parties, that the crime was registered in 2009, the initial rejection was on 22.02.2010. Later, the appellate authority's direction for binding the parties with a view to maintaining peace in the locality also dates back to 2010. All these events happened about a decade ago. Even the Information Commission's order was in 2016. As noted above, in fact, the petitioner applied to the

Information Commission with a specific request to have the appellate authority's direction set aside. That request, too, was rejected on 25.04.2017; it was on the premise that the learned Commission does not enjoy any power to that effect, be it under Section 18 or any other provisions of the Right to Information Act.

8. The crime ended in acquittal, and the issue harks back to over a decade. Much water has flowed under the bridges by now. Yet the petitioner fears that the appellate authority's order of binding over, in a decade old dead matter, may hang above her family's head like the sword of Damocles.

9. Under these circumstances, I note that the entire dispute has come to an end and the information the petitioner sought has also been supplied. To put a quietus to the dispute, I set aside the observations as contained in the appellate authority's order, dated 09.04.2010, and dispose of the Writ Petition.

No order on costs.

DAMA SESHADRI NAIDU, J.

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