

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP. No.17623 of 2020

Date of decision : 09.11.2020

Manpreet Singh

.....Petitioner

Versus

State of Punjab & Ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Raj Kaushik, Advocate for the petitioner

Ms. Simran Grewal, AAG Punjab for the respondents

ALKA SARIN, J.

Heard through video conferencing.

This civil writ petition has been filed under Articles 226/227 of the Constitution of India “*for issuance of a writ in the nature of mandamus directing the respondent no.2 and 3 to supply the certified copy of the proceedings of the meeting held on 07.08.2019 for transfer of the route permits, as the copy of the same has not been provided to the petitioner despite about various Regd. Letters, legal notice(s) and personal visits although the respondent no.2 who is exercising powers of quasi judicial authority is legally bound to provide the copy of the proceedings of the meeting for the transfer of the route permit and as such the petitioner is unable to take further legal recourse to the proceedings dated 07.08.2019*”.

The petitioner avers that respondent no.2 fixed a meeting on

07.08.2019 for transfer of certain permits for certain routes from one operator to

another which was publicized in the Motor Transport Gazette dated 01.08.2019. The petitioner is stated to have been an operator on some of these routes. The petitioner alleges to have submitted objections dated 05.08.2019 (Annexure P-2) against the transfer of the permits. The petitioner further alleges that he appeared in the office of respondent no.2 on the date of the meeting i.e. 07.08.2019 but was informed that the meeting had been postponed.

On 08.08.2019 the petitioner sent a letter/email (Annexure P-3) to respondent no.2 stating therein that the meeting held on 07.08.2019 was against the orders dated 20.12.2012 passed by this Court and called upon respondent no.2 to declare the meeting held on 07.08.2019 as null and void. On 12.08.2019 the petitioner sent his objections (Annexure P-4) to respondent no.2 and to the Secretary, Regional Transport Authority, Bathinda (who is not a party in this writ petition) requesting that the transfer of the permits be kept in abeyance. On 25.11.2019 the petitioner also got a legal notice (Annexure P-5) issued to the respondents calling upon them to revoke the transfer of the route permits. The petitioner, thereafter, submitted requests to respondent no.3 for supply of the proceedings with regard to transfer of the route permits which have been annexed as Annexures P-6, P-7, P-9, P-12 and a legal notice annexed as Annexure P-13.

On 27.04.2020 the petitioner submitted an application (Annexure P-8) to respondent no.2 for supply of certified copies of the proceedings of Item No.3 of the meeting dated 07.08.2019 which was followed by reminders Annexures P-10 and P-11.

According to the counsel for the petitioner there has been complete silence by the respondents for over a year and they have failed to discharge their legal duty by not supplying to the petitioner certified copy of the proceedings which took place on 07.08.2019. Hence, the present civil writ petition.

Learned counsel for the parties have been heard. The petitioner has approached this Court without specifying what right of his has been infringed and what public duty have the respondents failed to perform. Supplying copies of the proceedings held by Government officials to all and sundry, as and when asked for, is not a public duty especially when an applicant is not an interested or an affected party.

The Right to Information Act, 2005 was promulgated in 2005 to promote transparency and accountability in the working of every public authority. The petitioner has invoked the provisions of this statute to collect the information regarding the meeting of 07.08.2019. Infact, a perusal of the letter dated 27.04.2020 (Annexure P-8) addressed by the petitioner to respondent no.2 shows that it was stated therein *“The Postal Order No.51F 193448 dt. 13.3.2020 for Rs.10 is enclosed for supplying the information”*. The relevant Pay Order favouring the ‘PIO o/o STC Pb. Sector 17 CHD’ is photocopied on this letter. The petitioner is aware of his rights under the Right to Information Act, 2005. Even prior to this, the petitioner had requested for supply of copy under the Right to Information Act, 2005 as in the legal notice dated 25.11.2019 (Annexure P-5) it is stated *“...even my client had made a request for supply of the copy under Right to Information Act”*.

Having invoked the Right to Information Act, 2005 to obtain the desired copies from the respondents the petitioner ought to pursue the same instead of making a parallel set of prayers by invoking the extraordinary jurisdiction of this Court. Approaching two fora for virtually the same relief without revealing the said fact cannot be permitted. The writ petition is completely silent about the petitioner having filed the applications under the Right to Information Act, 2005 and such fact was discovered only upon close reading of Annexures P-5 and P-8. A

petitioner cannot seek the same relief by invoking the jurisdictions of two different avenues. Such an approach is nothing but an abuse of the process of law.

For the reasons recorded above, the present civil writ petition is devoid of merit and deserves to be dismissed.

Dismissed.

09.11.2020
parkash

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO