

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

01.12.2022
Sl. No.1(DL)
srm

W.P.A. No. 3005 of 2022

Subrata Gupta & Ors.

Versus

The Union of India & Ors.

Mr. Deborshi Dhar

...for the Petitioners.

Mr. Subir Kumar Saha,
Mr. Pretom Das

...for the State-respondents.

Mr. Sudipto Kumar Mazumdar, Id. Dy. SG
Mr. Ajoy Kumar Singhania,
Mr. Sourab Kar

...for the Respondent Nos.1, 7-10.

Affidavit-of-service is taken on record.

The petitioners are aggrieved by the inaction on the part of the Special Land Acquisition Officer, Jalpaiguri and the Deputy Secretary to the Government of West Bengal, Land Acquisition Branch, Nabanna. It is alleged that the SPIO and the Deputy Secretary to the Government of West Bengal, Department of Land and Land Reforms and Refugee Relief and Rehabilitation, Writers' Buildings, directed the Special Land Acquisition Officer, Jalpaiguri and the Deputy Secretary to the Government of West Bengal, Land

Acquisition Branch, to furnish the required information so that the answers to the queries under the Right to Information Act, 2005 could be provided to the learned Advocate for the petitioner No.1.

The petitioner No.1 through his learned Advocate had filed an application under Section 6 of the Right to Information Act, 2005. The SPIO directed the authorities to furnish the necessary information to the SPIO so that the petitioner No.1 may be provided with the same. It is alleged that the SPIO has not yet furnished such information.

Learned Deputy Solicitor General submits that the railway authorities have erroneously been impleaded as respondents. If the petitioners are aggrieved by the entry of the name of the railways in the record of rights, such grievance of the petitioners can neither be decided by this Court nor by the SPIO. Remedy of the petitioners would be to approach the appropriate authority, if permissible under law, for correction of record of rights.

Mr. Das, learned Advocate appearing on behalf of the State-respondents submits that the petitioners have an alternative remedy by way of an appeal and the writ petition should be dismissed on that ground alone.

Having heard the learned Counsels for the respective parties, this Court is of the view that when the SPIO and the Deputy Secretary to the Government of West Bengal, Department of Land and Land Reforms and Refugee Relief and Rehabilitation had asked for certain documents and information from the Deputy Secretary, Land Acquisition Branch, and also from the Special Land Acquisition Officer, Jalpaiguri, such instruction should have been obeyed. In return the SPIO should have acted in accordance with law. It appears that the authorities have failed to comply with such direction. The delay caused by the SPIO in providing the necessary information, is contrary to law. This is a case of inaction and non-compliance of the statute.

Under such circumstances, the writ petition is disposed of with a direction upon the Special Land Acquisition Officer, Jalpaiguri and the Deputy Secretary, Land Acquisition Branch, Nabanna to furnish the required information and documents directly to the SPIO and the Deputy Secretary to the Government of West Bengal, Department, of Land and Land Reforms and Refugee Relief and Rehabilitation, Writers' Buildings, for onward transmission to the petitioners. Such information and documents shall be provided to the SPIO and the Deputy

Secretary to the Government of West Bengal, Department of Land and Land Reforms and Refugee Relief and Rehabilitation within a period of four weeks from the date of communication of this order, if not already done, and the SPIO shall provide the necessary information and documents to the petitioner No.1 strictly in accordance with law within five weeks thereafter.

This order shall not be construed as a direction upon the authorities with regard to the nature of the information and documents that may or may not be supplied. Such decision is left open to the discretion of the authorities and the law operating in the field. However, when a citizen has sought information under the relevant law, the authorities are bound to discharge the duties under the law within the period prescribed by the statute.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)