

**12.07.2023
Item No. 67
BR**

WPA 3659 of 2019

**Madhumita Chakraborty & anr.
-vs
State of West Bengal & Ors.**

**Mr. Santanu Kumar Roy
.... For the petitioners**

Petitioner is represented. No one is representing the respondents. Learned advocate on behalf of the petitioner submits that affidavit-in-opposition which was directed to be submitted by the respondent has not yet been filed and that may have bearing upon this case before it could be disposed of on merit.

Record reveals that vide order dated February 25,2019, the Court directed the respondents to file affidavit-in-opposition which they have chosen not to file till date.

Hence this matter is taken up in absence of the respondents or any affidavits on their behalf.

Petitioner has challenged the purported inaction of the respondent authorities in replying his prayer dated September 13, 2018 under the R.T.I.Act,2005. It is to be noted that Right to Information Act,2005 contemplates certain procedures in case the authority sits tight over the application, without acting upon the same within the stipulated statutory period of time. It appears and is admitted also that without exhausting the statutory remedies, the writ petitioners have approached this Court to seek redress regarding inaction of the respondent authority to reply his application under the Right to Information Act,2005. This Court considers the present writ petition to be premature and not maintainable.

Under such circumstances, this matter merits no success.

Writ petition is dismissed being premature. However, the petitioners are granted liberty to pursue the statutory remedy, if so desires.

(Rai Chattopadhyay, J.)

