

16.
20.6.2023
S.D.

W.P.A. 13037 of 2023

**Abdul Baqui
Vs.
State of West Bengal & Ors.**

Mr. Kiron Sk.

..For the Petitioner

Mr. Anuran Samanta

...For the Respondent No. 3

Mr. Raja Saha

Ms. Arpita Saha

Mr. Sanjoy Mukherjee

...For the Respondent No. 6

Mr. Amal Kumar Sen, A.G.P.,

Mr. Lal Mohan Basu

...For the State

The petitioner's grievance is that despite praying for information under Section 6 of the Right to Information Act, 2005, the same was not provided by the State Public Information Officer (SPIO) and the Sub-Divisional Officer, Domkal Sub-Division, Murshidabad. Being aggrieved by the inaction on the part of the SPIO, the petitioner preferred an appeal before the First Appellate Authority. The First Appellate Authority also did not provide the information as sought for by the petitioner.

Being aggrieved by the inaction on the part of the First Appellate Authority, the petitioner preferred an appeal before the Chief Information Commissioner, Second Appellate Authority, Office of West Bengal Information Commissioner, Kolkata.

Mr. Sk., learned counsel appearing on behalf of the petitioner submits that despite repeated representations, the information has not been provided.

Mr. Sen, learned Additional Government Pleader, appears on behalf of the State and also the respondent no. 5, SDO, Domkal and submits that the petitioner has sought for information that cannot be provided under the 2005 Act.

Mr. Saha, learned counsel appears on behalf of the respondent no. 6 and submits that he is not the authority concerned for supply of such information. The respondent no. 6 is only an adjudicating authority in relation to the information supplied to the applicant.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that the statutory obligations of the authorities have to be complied with as is incumbent upon them under the R.T.I. Act, 2005. The authorities have failed to comply such statutory

obligations. This Court cannot go into the merits of the information that has been sought for by the petitioner.

In the light of the discussions above, the SPIO and SDO, Domkal, Murshidabad is directed to give the necessary information sought for by the petitioner within two weeks from the date of the order, as permissible under the 2005 Act.

With the directions aforesaid, **W.P.A. 13037 of 2023** is **disposed of**.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)