

Suchitra

**IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 583 OF 2016**

The South Goa Planning and
Development Authority
Through its Members Secretary
Shri Ashok Kumar s/o address
4th floor, Osia Building B Wing, ... Petitioner.
MargaoGoa.

Versus

1. Vishant D. Naik,
Major in age, r/o A/3, S-2,
Kurtarkar Classic, Near Power
House Aquem, Alto Margao
Goa.

2. First Appellate Authority, The
Chief Town Planners, Town &
Country Planning Dept. Panaji
Goa. ... Respondents.

Mr Vivek Angelo Rodrigues with Mr S. Malik,
Advocates for the Petitioner.

CORAM: M. S. SONAK, J.

DATED: 9th March 2023

ORAL JUDGMENT :

1. Heard Mr Rodrigues for the Petitioner. The Respondents,
though served, neither present nor represented.

2. Rule. Rule is made returnable forthwith at the request of and with the consent of the learned Counsel for the Petitioner.

3. The challenge in this Petition is to the order dated 29th April 2016 made by the Goa State Information Commission to the extent it directs the Petitioner to furnish the Respondent a copy of the legal opinion obtained by the Petitioner from its Advocate. Mr Rodrigues, on instructions, states that in so far as rest of the information is concerned, the SGPDA has no objection to furnish the same and in all probabilities, the same must have been furnished by now. In any case, such information will be furnished to the Respondent No.1 within six weeks from today and even a necessary compliance report will be filed in this Court. This statement is accepted. The compliance report to be filed within eight weeks, in this Court.

4. In so far as furnish of copy of the legal opinion is concerned, Mr Rodrigues submits that considering the provisions of Sections 126 and 129 of the Evidence Act, no directions could have been issued for furnish of the same without record of satisfaction that public interest warranted disclosure of such information.

5. In this case, it is not necessary to go into the larger issue because, perusal of the impugned order does indicate that the

competent authority has not recorded any satisfaction about larger public interest warranting disclosure of such legal opinion.

6. Section 8(1)(e) of the RTI Act provides that notwithstanding anything contained in this Act, there shall be no obligation to give any citizen information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.

7. On the above short ground, the impugned order, to the extent it directs furnish of the copy of the legal opinion tendered by the Petitioner's Advocate to the Petitioner, is set aside. The statement that the rest of the information, if not already supplied, would be supplied within six weeks from today, is accepted. Necessary compliance report will be filed by the Petitioner within eight weeks from today.

8. Rule is made absolute in the above terms.

9. There shall be no order for costs.

10. All concerned to act on an authenticated copy of this order.

M. S. SONAK, J.

SANTOSH S
MHAMAL

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