

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.201 OF 2023.

SANTOSH V. SHETYE ... Petitioner.
VS
THE PUBLIC INFORMATION OFFICER,
THE DY. COLLECTOR (DRO) AND ANR. ...Respondents.

Petitioner present in person.

CORAM: M. S. KARNIK, J
DATED: 20th APRIL 2023

P.C.

1. Heard the petitioner in person.
2. The challenge in this petition is to an order dated 11.08.2016 passed by the Goa State Information Commission under the provisions of the Right to Information Act, 2005 (for short "the said Act"). The petitioner requested for the following information under the said Act, 2005 by his application dated 06.08.2013. The information sought for is thus:-

(1) Your kind authority has issued S.C. Notice to the undersigned to appear on 29/8/12, and the said Notice was served through Panaji Police Station. Secondly, I have been served with another S.C. Notice to appear on 12/08/2013 at 10-30 A.M. Now,

therefore, I desire to know under which provision of law the said notices served through Panjim Police Station inspite of the present case pertains to civil matter. Secondly, under which provision of law though I have filed detailed reply to the previous notice under which provision of law second notice can be issued and more particularly through Panaji Police.

(2) I also desire to know under which provision of law, once the panchanama is done in the present case, how warrant of distraint of movable property can be issued and this case same is issued on 17.1.2013.

3. In the context of the information sought, the Deputy Collector and DRO informed the petitioner, that the notice was served through police using discretionary power. Secondly it was informed that a fresh notice was issued as the petitioner failed to remain present for two hearings.

4. Aggrieved by the information supplied, the petitioner filed First Appeal under Section 19 of the said Act before the First Appellate Authority and Collector North Goa, Panaji. By a reasoned judgment and order dated 05.05.2014, the First Appellate Authority

dismissed the appeal as it did not find any substance in the contentions raised.

5. Thereafter the petitioner preferred a Second Appeal before the Goa State Information Commission. By the impugned order dated 11.08.2016, the Second Appeal came to be rejected.

6. I have gone through the impugned orders. The information as requested was supplied. From the perusal of the Appellate orders, it is seen that they are well-reasoned. I do not find any perversity or patent illegality to warrant any interference.

7. The petitioner is mainly aggrieved by the inconvenience caused to him as a result of the action taken by the police. It is his submission that in respect of Civil matter, the resort was taken unlawfully through the mechanism of the police machinery. The petitioner was inconvenienced and expressed anguish because of such harassment. For ventilation of such a grievance it is always open for the petitioner to take resort to appropriate proceedings if he is aggrieved by any unwarranted harassment suffered by him. However, such a relief cannot be granted within the ambit of “the said Act”. The information requested has been provided. The impugned orders do not fall foul of the provisions of “the said Act.”

8. I do not see any reason to interfere with the impugned order.
9. The petition is rejected. No costs

M. S. KARNIK J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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