



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3641/2023

Niharika Indal Chavhan Vs. State of Maharashtra and Ors.

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders

Court's or Judge's order

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Mr. R. R. Vyas, Advocate for Petitioner.

Mr. H. R. Rode, Assistant Government Pleader for Respondent Nos.1 to 4.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI,JJ..

DATED : 03.10.2023

. The petitioner seeks direction to be issued to the respondent Nos.3 and 4 to provide her information as demanded by her pursuant to applications dated 01.06.2023 and 07.06.2023. It is her case that this information was required to be furnished within a period of 48 hours in view of the provisions of Section 7 of the Right to Information Act, 2005 (for short, "the Act of 2005").

2. It is pointed out that these applications have been considered by the Public Information Officer and by communication dated 30.06.2023 by taking recourse to the provisions of Section 8(1) of the Act of 2005, the information sought has not been disclosed.

3. By relying upon the decision in the case of ***South Indian Bank Ltd. and Ors. Vs. Naveen Mathew Philip and Anr. [2023 SCC OnLine SC 435]***, the learned Counsel for the petitioner submits that notwithstanding the availability of statutory remedy, the prayer made in the writ petition be considered.

4. We find that there is no exceptional case made out to invoke the writ jurisdiction notwithstanding the availability of the statutory remedy. The petitioner merely seeks to exercise rights conferred under the Act of 2005. Hence with liberty to the petitioner to avail statutory remedy as provided under the Act of 2005 and by keeping the grounds raised in the writ petition open, the same is disposed of as not entertained on merits.

5. It is noted that the writ petition was filed on 12.06.2023. Hence the period spent in prosecuting the present proceedings shall be taken into consideration by the Appellate Authority while entertaining the appeal, if filed.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)