

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8988 of 2014

Prabandhak Committee Takht Sri Harimandir Jee, Patna Saheb, P.S.-Chowk, Patna City, District-Patna, through its General Secretary, namely, Charanjeet Singh, son of Desha Singh, resident of Takht Sri Harimandir Jee, Patna Sahed, P.S.-Chowk, Patna City, District-Patna.

... .. Petitioner/s

Versus

1. The Bihar State Information Commission through its Registrar, Fourth Floor, Information Building, Bailey Road, Patna.
2. Dr. Surjit Singh, Advocate, Abulas Lane Machhuatoli, P.S.-Kadam Kuan, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Navin Prasad Singh, Adv. Mr. Narayan Singh, Adv.
For the SIC	:	Mr.Lalit Kishore, Sr. Adv. Ms. Binita Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 21-08-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For the issuance of writ in the nature of certiorari for quashing the order dated 19.02.2014, passed by the Full Bench of the State Information Commission, comprising of Sri R.J.M. Pillai, State Chief Information Commissioner, Sri S. Vijay Raghvan, State Information Commissioner and Sri V. K. Verma, State Information Commissioner, in Second Appeal bearing Case no.83410/12-13, whereby the petitioner has been directed to make available all the information sought by the respondent no.2, within 4 weeks from the receipt of the copy of the



order.

(ii). For directing the respondent Commission to hold and declare that the religious shrine i.e. Takhat Sri Harimandir Ji Saheb Patna and its Prabandhak Committee are not covered under the R.T. I. Act, as the same are not public authority within the meaning of Sec. 2 (h) of the Right to Information Act, 2005.

(iii). For direction to the respondent no. 1 to decide the issue finally in the light of the Judgement passed by the Hon'ble Supreme reported Court, reported in 2013 (4) P.L.J.R. 479 (SC), whereby it has been held that the institution, which is not substantially financed by the appropriate Government, can not come within the purview of Public Authority under Sec.2(h) of the R.T.I. Act.”

2. At the outset, the learned Senior Counsel appearing for the Bihar State Information Commission, Patna (hereinafter referred to as the ‘Commission’), submits that the matter is still pending adjudication before the learned Commission, hence, the learned Commission would definitely first decide the issue of maintainability of the complaint filed by the Respondent No. 2, under the provisions of the Right to Information Act, 2005, against the petitioner and then proceed further, in case it finds that the complaint, filed by the private Respondent No. 2, is



maintainable.

3. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file appropriate petition before the Respondent Commission to buttress the stand of the petitioner with regard to the complaint, filed by the private Respondent No. 2 being not maintainable, as against the petitioner, so that the Respondent No. 1 can adjudicate the said issue as a preliminary issue, before proceeding further in the matter. Liberty, so sought, is granted.

4. It is needless to state that in case, appropriate petition is filed by the petitioner, as aforesaid, in the pending Case No. 83410 of 2012-13, questioning the maintainability of the complaint petition, filed by the Respondent No. 2, the learned Commission shall decide the said issue first, before proceeding further in the matter.

5. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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