

21st February,
2024
(AK)
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W.P.A 683 of 2024

Swapan Kumar Maity
Vs.
The State of West Bengal and others

Ms. Shraboni Sarkar
...for the petitioner.

Mr. Jyoti Prakash Chatterjee
Mr. Supriya Majumder
...for the State.

1. Learned counsel appearing for the respondent authorities submits before this court that vide notification dated September 24, 2018 issued by the Government of West Bengal, Public Works Department, Establishment Branch, the Executive Engineer, Tamluk Division, P.W.Dte was appointed as the SPIO under the Right to Information Act.
2. The entire gamut of the present writ petition is that the petitioner approached the wrong authority for information, upon refusal before which the petitioner moved the First Appellate Authority.
3. The first appeal is still pending.
4. In the meantime, the petitioner made a fresh application for information through an Advocate and learnt that the person from whom the information was sought was not the appropriate SPIO.

5. In view of the disclosure made today by learned counsel for the respondent authorities, there cannot be any further doubt regarding who is the State Public Information Officer concerned.
6. Accordingly, the proper remedy before the petitioner is to approach the said authority with the request for information under the Right to Information Act.
7. Naturally, in view of such remedy, the pending first appeal of the petitioner is rendered infructuous.
8. In such view of the matter, WPA 683 of 2024 is disposed of by granting the petitioner liberty to approach the Executive Engineer, Tamluk Division, P.W.Dte, SPIO with a proper application for information under the Right to Information Act.
9. Upon such information being sought, the said SPIO shall decide on the same as expeditiously as possible in accordance with law, preferably within four weeks thereafter.
10. Needless to say, in view of the above liberty, the first appeal pending at the behest of the petitioner is rendered infructuous.
11. The petitioner shall intimate a copy of this order to the said First Appellate Authority for passing appropriate orders regarding disposal of the first appeal as infructuous.

12. The designation of the SPIO, as given in writing personally by the learned Advocate appearing for the State, be made a part of the record.
13. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)