

10th May,
2024
(AK)
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W.P.A 4591 of 2024
IA No: CAN 1 of 2024

Prakash Baniya and another
Vs.
The State of West Bengal and others

Mr. Asif Hussain
Mr. Swapan Nath
...for the petitioners.

Mr. Pantu Deb Roy
Mr. Jaladhi Das
...for the State.

Mr. Raja Saha
...for the State Information Commission.

Mr. Pramit Kumar Roy
Ms. Susmita Saha Dutta
Mr. Niladri Saha
Ms. Madhurima Basu
...for the applicant/private respondent no.7.

1. Affidavit-of-service filed in court today be kept on record.
2. The writ petition and the connected application are taken up together for hearing.
3. The grievance of the writ petitioners is that notices have been issued to the writ petitioners purportedly under Section 19(1) of the Right to Information Act, 2005 (for short the 2005 Act) directing the writ petitioners, who claim to be the owners of the concerned land, to appear before the Block Land and Land Reforms Officer, Bally, Jagacha, Howrah

with all relevant documents in support of the writ petitioners' claim.

4. Otherwise, it has been warned, action would be taken as per the West Bengal Land Reforms Act, 1955.
5. Upon hearing learned counsel for the parties, it is clear that the private respondent has made queries before the SPIO under the Right to Information Act with regard to how certain changes were effected to LR records in respect of certain plots of land.
6. A perusal of Section 19(1) of the 2005 Act indicates that the same does not contemplate any notice to a third party and/or any threatened action under a different statute, including the West Bengal Land Reforms Act.
7. Section 19 of the 2005 Act merely provides for an appeal against a decision taken by the authorities as mentioned therein.
8. Thus, the impugned notices annexed to the writ petition, purportedly under Section 19(1) of the 2005 Act, are palpably without authority and *de hors* the law.
9. Accordingly, WPA 4591 of 2024 is allowed on contest, thereby setting aside the impugned notices annexed to the writ petition, purportedly issued under Section 19(1) of the RTI Act, 2005.

10. However, it is made clear that nothing in this order shall prevent the private respondent from pursuing the queries raised by the said private respondent from the respondent authorities under the Right to Information Act, 2005.
11. It is, of course, expected that the respondent authorities shall decide such query as expeditiously as possible.
12. CAN 1 of 2024 is also disposed of in the light of the above observations.
13. There will be no order as to costs.
14. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)