

03.10.2024
Sl. No.32
Ct.3/ tkm

W.P.A. 13207 of 2023
(Keramat Khan vs. State of West Bengal & Ors.)

Mr. Supratic Roy
Mr. S Roy

... .. for the petitioner

Mr. Nilotpal Chatterjee
Mr. Amrita Lal Chatterjee

... .. for the State

1. The present writ petition has been preferred by the petitioner being dissatisfied with the reply provided by the respondent authorities under the RTI Act. It is the contention of the learned counsel for the petitioner that despite being the statutory authorities under the RTI Act, the Respondent authorities failed to provide the requisite information as sought by the petitioner and thereby failed to carry out their statutory obligations under the RTI Act.
2. Upon a meticulous perusal of the records and facts brought before this Court, it becomes evident that the petitioner has not fully availed the statutory remedies provided under the RTI Act. The petitioner had earlier preferred first appeal, which was adjudicated and decided by the appellate authority vide its order dated 24.01.2022. It is further noted that if the petitioner is aggrieved by the decision rendered in the first appeal, he could have invoked the

statutory remedy provided under RTI Act, i.e, second appeal before the Central/State Information commission under Section 19(3) of the RTI Act, 2005.

3. In view thereof, this Court is not inclined to exercise its discretionary jurisdiction under Article 226 of the constitution as the petitioner has not yet exhausted his statutory remedies available under the RTI Act.
4. The present writ petition is dismissed with liberty to the petitioner to avail the statutory remedy available under the Right to Information Act, 2005.

(Gaurang Kanth, J.)