

07.10.2024
Sl. No.34
Ct.3/ tkm

W.P.A. 14225 of 2023
(Ananda Ghosh vs. State of West Bengal & Ors.)

Mr. Aditya Sen
... .. for the petitioner

Ms. Sulekha Mitgra
Mr. Manas Kr. Das
Mr. A K Thokdar
... .. for respondent no. 9

Mr. Mansoor Alam
Md. M Nazar Chowdhury
... .. for the State

1. Affidavit of service is taken on record.
2. The present Writ Petition has been preferred by the petitioner being aggrieved by and dissatisfaction with the action and/or inaction on the part of the respondent Nos.2, 4 and 6 who acted arbitrarily under the law by not answering to any query of the RTI applications dated 08.05.2023 and 12.05.2023. It is the contention of the learned counsel for the petitioner that despite being the statutory authority under the Right to Information Act, 2005, the respondent authority failed to provide the requisite information as sought by the petitioner and thereby failed to carry out their statutory obligations under the RTI Act.
3. Upon a meticulous perusal of the records and facts provide before this Court, it becomes

evident that the petitioner has not fully availed the statutory remedy of filing a First Appeal under the RTI Act before the appropriate appellate authority. Under Section 19 of the Right to Information Technology Act, 2005, if an applicant does not receive a response to their application within the time stipulated under the said Act or if the applicant is dissatisfied with the information provided he is entitled to file a First Appeal before the designated appellate authority.

4. The present Writ Petition is rendered not maintainable as the petitioner has an efficacious and adequate alternative remedy available under the statutory provisions of the Right to Information Act, 2005.
5. In view thereof, the 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.
6. The present Writ Petition is dismissed on the above grounds.

(Gaurang Kanth, J.)