

D/L.21.
April 19, 2024.
MNS.

WPA No. 21273 of 2022
+
C.A.N. 3 of 2024

Ashari Majhi.
Vs.
State of West Bengal & Ors.

Mr. Debasis Sur,
Mr. Goutam Sardar,
Mr. Anshuman Patra

...for the petitioner.

Mr. Raja Saha,
Mr. Sanjay Mukherjee

...for the State.

Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Baran Mondal

...for the DPSC

1. The present application, being CAN 3 of 2024, has, for all practical purposes, been filed for early hearing of the writ petition itself.
2. CAN 3 of 2024 is allowed and the writ petition itself taken for hearing on consent of the parties.
3. The grievance of the petitioner is that the petitioner sought for some information. Ultimately, the matter went up to the second appellate authority, which directed the information to be furnished by the State Public Information Officer (SPIO). Thereafter the SPIO communicated to the petitioner that the

relevant documents could not be traced out, for which the information was not given to the petitioner.

4. Since the SPIO has taken a specific stand that the documents are not traceable, the information sought by the petitioner, obviously, cannot be granted. However, in the event the petitioner can substantiate loss suffered by the petitioner due to non-furnishing of such information, the petitioner is definitely entitled to claim damages before the competent civil court. Yet, any direction to furnish the information would be futile at the present juncture in view of the documents-in-question having been lost.
5. Accordingly, WPA No. 21273 of 2022 is disposed of by granting liberty to the petitioner to approach the competent civil court for damages for loss, if any, suffered by the petitioner for non-furnishing of the information by the respondent authorities.
6. If such approach by way of a civil suit is made, it will be open to the civil court to decide the same independently and in accordance with law expeditiously.
7. It is made clear that nothing in this order shall preclude the respondents, in the event the documents are traced out in the meantime, to

furnish such information to the petitioner, which will be taken note of by the petitioner in availing of the liberty to file a suit granted by this court.

8. There will be no order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)