

OD 15

WPO/315/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAIYEDUL SEKH
VS
THE CHAIRMAN BOARD OF WAKFS AND ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date: 26th April, 2024.

Appearance:
Mr. Syed Shamsul Arefin, Adv.
Ms. Nadira Abedin, Adv.
...for the petitioner.

Mr. Raja Saha, Adv.
Mr. Sanjay Mukherjee, Adv.
. . .for the respondent no.4.,

Mr. Wasim Ahmed Shehabuddin, Adv.
. . .for the State.

Md. Salahuddin, Adv.
Md. Ahsanuzzaman, Adv.
Md. Raziuddin, Adv.
. . .for the Board of Aquaf.

The Court: Learned counsel for the petitioner submits that the petitioner sought for information before the Board of Auqaf, West Bengal seeking a copy of an enquiry report for an enquiry which was scheduled to take place on May 2, 2023. It is submitted that upon being refused on the ground of Section 8(1)(g) of

the Right to Information Act, 2005, the petitioner has preferred a first appeal and thereafter a Second Appeal. It is submitted that the appeal is still pending.

Learned counsel further argues that Section 8(1)(g) is not applicable at all in the present circumstances.

Learned counsel for the Auqaf Board submits that there are warring parties and the dispute between the said two factions among themselves has been brought to this Court by way of the present challenge.

Be that as it may, it transpires that Section 8(1)(g) of the 2005 Act furnishes as a ground for nondisclosure of information when the information, if disclosed, would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes.

It defies logic as how such ground could be applied for withholding an enquiry report of an enquiry held by the Board of Auqaf. As such, the very premise of the refusal is bad.

Thus, instead of relegating the parties to further litigation and saddling the first and second appellate authorities with unnecessary litigation, the matter can be resolved by setting aside the refusal and directing the Board of Auqaf to furnish a copy of the enquiry report to the petitioner.

Accordingly, WPO 315 of 2024 is allowed on contest, thereby directing the Board of Auqaf to furnish to the petitioner a copy of the enquiry report for the enquiry held on May 2, 2023, in terms of the query of the petitioner annexed at page 13 of the present writ petition, within four weeks from date.

Consequentially, the pending two second appeals at the behest of the writ petitioner stand disposed of.

Affidavit of service filed in Court be taken on record.

(SABYASACHI BHATTACHARYYA, J.)

SP/