



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO. 366 OF 2024
IN WP/11527/2023

HITENDRA VINAYAKRAO UPADHYAY
VERSUS
SHRI. SAMEER SAHAY

...
Advocate for the Petitioner : Mr. Subhedar Mayur Mangesh
Addl. G.P. for Respondents: Mr. M.M. Nerlikar
...

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 18.04.2024

PER COURT:

We have heard both the sides. Though it is a firm stand of the petitioner that the information which he has been soliciting has never been furnished to him in spite of the Second Appeal under the Right to Information Act, 2005 under Section 19 had concluded in his favour, the order of which execution is being sought and for disobedience of which contempt jurisdiction has been invoked merely directed Section 20 proceeding to be concluded at the earliest. Besides, as is being pointed out in the affidavit-in-reply tendered by the learned AGP across the bar, Section 20 proceeding was already concluded way back in the year 2021 *albeit* nobody had pointed out this fact to the bench which decided the writ petition No.11527/2023.

2. We cannot pass any direction in the nature of mandamus while exercising contempt jurisdiction. We are only concerned with obedience to the order of the Court. When it is being pointed out that the order was passed oblivious of the fact that already the proceeding under Section 20 was concluded and even entry was taken in the service-book of the concerned delinquent, nothing can happen in the present proceeding. Needless to state that the petitioner may have to invoke the remedies as are available to him in law. The contempt proceeding is closed.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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