



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.8508 OF 2018

(Shri Vinod Anandrao Ambadkar **VERSUS** State Information Commissioner, Amravati and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of direction
and the Registrar's orders.*

Court's or Judge's order

Smt. S.W. Deshpande, Counsel for Petitioner.
Shri D.V. Chauhan, Government Pleader for Respondent No.1.
Shri S.S. Bhalerao, Counsel for Respondent No.4.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 20th MARCH, 2024

P C. :

1. Heard the learned counsel for the petitioner, the learned Government Pleader for respondent No.1, and the learned counsel for respondent No.4.
2. By this petition, the petitioner is challenging the order dated 14-11-2018 passed by respondent No.1-State Information Commissioner, Amravati in Second Appeal No.1077 of 2016, whereby the Second Appeal filed by the respondent No.2 seeking the information under the Right to Information Act, 2005 came to be allowed and imposed a cost of Rs. 5000/-on him.
3. The learned counsel for the petitioner has drawn our attention to the communication dated 9-8-2018 issued by the Information Officer of respondent No.4 to Shri. Niranjana Naitam (respondent No.2), whereby informed that the information which was sought by respondent No.2 in respect of the shops is neither owned by the respondent-Municipal Council nor has come within their domain. Therefore, no information is available to them.

4. In view of this, it seems that the information sought by respondent No.2 is not within the domain of the Municipal Council. We find substance in the argument of the learned counsel for the petitioner in that regard. Hence, considering the same, it appears that the passing of the order by the Appellate Authority is contrary to the facts on record and therefore the same cannot be sustained in the eyes of law and liable to be set aside.

5. That being so, we deem it appropriate to pass the following order :

6. The petition is allowed. The impugned order dated 14-8-2018 passed by respondent No.1-State Information Commissioner, Amravati is hereby quashed and set aside. No order as to costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR