

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-15547-2021(O&M)

Date of decision : 13.03.2024

Greater Ludhiana Area Development Authority (GLADA)

... Petitioner

Versus

The State Information Commissioner and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.R.S. Khosla, Senior Advocate with
Mr.Aman Sharma, Advocate,
Mr.Chirag Suri, Advocate and
Mr.Yogender Verma, Advocate
for the petitioner.

Ms.Neha Sonawane, DAG, Punjab.

Mr.Sarabjit Sidhu, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 15.04.2021 (Annexure P-8) whereby respondent no.1 while disposing of the second appeal filed by respondent no.2 has directed the petitioner-department to supply requisite information.
2. On 13.08.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case taken up through video conferencing.

*Petitioner – Greater Ludhiana Area Development Authority (GLADA),
through its Estate Officer has brought the present civil writ petition for*

issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the impugned order dated 15.4.2021, copy Annexure P8, vide which the State Information Commissioner, Punjab State Information Commission – respondent No.1 has directed petitioner – department to supply requisite information under the Right to Information Act, 2005, further imposing penalty of Rs.10,000/- and recommended disciplinary action against the Public Information Officer.

The grouse of the petitioner is that civil litigation is pending between the parties in which the present petitioner arrayed as defendant has filed detailed written statement and application under Order 39 Rules 1 & 2 filed by plaintiff Sukhwinder Singh, who is seeking the information now has since been dismissed. Sukhwinder Singh – respondent No.2 had moved an application under Right to Information Act, 2005 seeking following information from the petitioner – department:

(i) Details of Khasra numbers where GLADA is proposing to develop GLADA estate Sua Road, near Keys Hotel, Ludhiana.

(ii) Documents regarding the aforesaid land, including jamabandis, title deeds.

(iii) Whether bookings have been done by GLADA of the aforesaid site? If yes, the details of the names and address of those persons including the dates of bookings and the documents executed regarding those bookings.

(iv) Whether any sale deed has been executed or not regarding the aforesaid land? If yes, the documents of the same.

In response to that application, the Assistant Public Information Officer (APIO), GLADA, Ludhiana rejected the application for the reason that information sought pertained to third party. The applicant preferred an appeal before the First Appellate Authority(RTI) cum Additional Chief Administrator, GLADA, Ludhiana on 23.7.2020 and the First Appellate Authority directed petitioner – department to supply requisite information to respondent No.2 up to 25.10.2020. However, subsequently the First Appellate Authority after taking into consideration the objections received from landowners with regard to non-furnishing of their personal documents pertaining to the ownership, passed an order dated 9.2.2020 revising its earlier order. Aggrieved against which, the applicant, who is respondent No.2 in the present petition has filed the second appeal before The State Information Commissioner, Punjab State Information Commission, Chandigarh, which has been accepted and the present petitioner has been directed to supply information on all the four points.

Notice of motion for 23.9.2021.

In the meanwhile, the operation of the impugned order with regard to points No.2 and 3 and imposing of penalty and initiation of disciplinary action against Public Information Officer, is stayed.

13.8.2021

(H.S. MADAAAN)
JUDGE”

3. During the course of arguments, it has been agreed between learned senior counsel for the petitioner and learned counsel for respondent no.2 that the information sought at point 5(1) only would be supplied to respondent no.2 and information on points 5(2), 5(3), 5(4) be not supplied. It has further been submitted that the impugned order be modified to the extent that information regarding point 5(1) be supplied in a time bound manner. It has further been agreed that the impugned order to the extent of imposing costs and initiating of disciplinary proceedings against the employees, be also set aside.
4. Keeping in view the above said facts and circumstances, the present writ petition is partly allowed and the order dated 15.04.2021 (Annexure P-8) is modified to the extent that only information under point 5 (1) as per RTI application (Annexure P-2) would be supplied by the petitioner to respondent no.2 and other part of the impugned order would stand set aside.
5. Respondent no.2 would visit the office of the petitioner on 02.04.2024 at 11 AM and the petitioner would either supply the information under point 5(1) on the same day or within a period of three days therefrom.

(VIKAS BAHL)

JUDGE

March 13, 2024

Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No