



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-18725-2024(O&M)
Date of decision: 06.08.2024

Rajbir Singh

...Petitioner

Versus

State Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Mahavir Singh Sharma, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Articles 226/227 of Constitution for issuance of writ in the nature of *mandamus* for directing respondents No. 3,5 & 6 to supply information in the light of order dated 24.03.2021 (P-11) passed by State Information Commission, Haryana.

(2) Facts of the case are that petitioner submitted two separate RTI applications dated 14.07.2023 (P-1 & P-2) addressed to State Public Information Officer (for short 'SPIO'), Sports & Youth Affairs, Haryana Khel Bhawan, Tau Devi Lal Sports Complex, Sector-3, Panchkula-134112 and second application made to SPIO-cum-Joint Director, Sports & Youth Affairs, Sector-3, Near Majri Chowk, Panchkula for getting general information with regard to which associations like Taekwondo, Throw Ball and Haryana Olympic were recognized by Government of Haryana from the year 2007 to 2022. Petitioner received a reply dated 27.07.2023 (P-3) from SPIO-cum-Joint Director, Sports Department that his RTI application had been forwarded to Administrator-cum-SPIO, Haryana Olympic Bhawan, Sector-3, Panchakula. Then, petitioner filed first appeal dated 23.08.2023 (P-4) before Appellate Authority, but no reply was received.



Thereafter, petitioner filed second appeal on 19.10.2023 (P-5) and Sports Department, Haryana informed petitioner vide letter dated 4.12.2023 (P-7) to get the information sought by him, but despite that information was not provided. Furthermore, State Information Commission, Haryana disposed off the second appeal No. 6143 of 2023 filed by the petitioner on 03.01.2024 (P-9) stating that reply/status to RTI application of petitioner dated 14.07.2023 stands furnished. Thereafter, petitioner sent a letter dated 02.07.2024 (P-15) to provide the desired information, but same was refused on 23.07.2024 (P-16). Hence, the present petition.

(3) Learned counsel contends that petitioner filed two applications dated 14.07.2023 (P-1 & P-2) for seeking certain information, but the same has not been supplied to him till date. Also contends that petitioner approached First Appellate Authority as well as State Information Commission and thus, he is running from pillar to post, but, no positive action has been taken so far.

(4) Heard learned counsel for the petitioner and perused the paperbook.

(5) It transpires that an application was made by the petitioner under Section 6 (3) of Right to Information Act, 2005 (for short 'the Act') on 14.07.2023, but the desired information was not supplied to him by the quarter concerned and he resultantly, preferred an appeal on 25.08.2023 before First Appellate Authority. Thereafter, he preferred second appeal on 19.10.2023 and the State Information Commission while deciding his appeal on 03.01.2024 (P-9) in para No. 4 observed as under:-

“4. After hearing the arguments of both the parties and from the perusal of the documents placed on file, the Commission has noted that available status/reply in respect



to the RTI application dated 14.07.2023 stands furnished to the appellant. The appellant was convinced with the view point submitted by the respondent present during the course of hearing and did not pursue and issue over it. However, the RTI application of the appellant has duly been transferred under Section 6 (3) of the RTI Act, 2005 to the Administrator, Haryana Olympic Bhawan, Sector-3, Panchkula with the directions to provide solicited information to his directly. The appellant may make correspondence with the transferee office, in case he wishes to obtain information. Keeping in view of above findings, the Appeal Case No. 6143 of 2023 is hereby disposed off by closing the matter.”

(6) Perusal of the extract reveals that application of the petitioner was transferred to the Administrator, Haryana Olympic Association, Sector-3, Panchkula with direction to provide him desired information. Instead of pursuing his remedy before the Association, petitioner again approached the State Information Commission and an order dated 08.05.2024 (P-13) was passed advising the petitioner to pursue the matter before quarter concerned. Instead of taking recourse available under law, petitioner has filed the present writ petition for issuance of writ in the nature of *mandamus* directing respondent Nos. 3,5 & 6 to supply the information.

(7) Since petitioner has the specific, alternative and statutory remedy under the Act, therefore, this writ petition is liable to be dismissed on that count.

(8) In view of the above, there is no option except to dismiss the present petition.



- (9) Ordered accordingly.
- (10) Needless to say that dismissal of the present writ petition shall not debar the petitioner from persuing his remedy, in accordance with law, if so adviced.

Pending application(s), if any, shall also stand disposed off.

06.08.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No