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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5371/2024**

SAMIR SARDANA

..... Petitioner

Through: None.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Rakesh Kumar, CGSC with Mr.
Rahul Kumar Sharma, GP and Mr.
Sunil, Adv.

+ **W.P.(C) 5443/2024**

SAMIR SARDANA

..... Petitioner

Through: None.

versus

UNION OF INDIA

..... Respondent

Through: Mr. Rakesh Kumar, CGSC with Mr.
Rahul Kumar Sharma, GP and Mr.
Sunil, Adv.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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23.04.2024

CM APPL. 22110/2024 (Exemption) in W.P.(C) 5371/2024

CM APPL. 22474/2024 (Exemption) in W.P.(C) 5443/2024

Allowed, subject to all just exceptions.

W.P.(C) 5371/2024

W.P.(C) 5443/2024

1. There was no appearance on behalf of the Petitioner on the first call and the matter was passed over. There is no appearance on behalf of the Petitioner even on the second call.

2. W.P.(C) 5371/2024 has been filed with the following prayers:



“i. to allow an “in chamber hearing to the petitioner, for the reasons stated in Para RRR

ii. to set aside the orders passed by the CIC, in case ref.no.CIC/CABST/C/2020/692696 and CIC/ CABST/ C/2020/691053,dated 06.09.2022 and CIC/CABST/C/2019/603938 and CIC/CABST/C/2019/603939,dated 07.10.2021.

iii. issue a writ, order or direction in the nature of mandamus or any other writ to the Respondents, to provide all the information, as is sought by the petitioner,in the RTI Applications attached, in Annexure 3 to 6,of this writ, in the interest of justice, wheren the information will be taken by the petitioner, personally from the respondents, with only an "inventory list" of the "documents handed over to the petitioner" by the respondents, to be provided to the Court.

iv. issue a writ, order or direction in the nature of mandamus or any other writ to the Respondents, to provide all the information, as is sought by the petitioner, in Para UUU of this writ, in the interest of justice, wheren the information will be taken by the petitioner, personally from the respondents, with only an "inventory list" of the "documents handed over to the petitioner" by the respondents, to be provided to the Court.

v. issue a writ, order or direction in the nature of mandamus or any other writ to the Respondents, to compensate the Petitioner and his father for torture, defamation and vilification by the Union of India and violation of the Article 14,19,21 and 25 rights, of the petitioner, and his father.

vi. Pass any other or further order or orders, as the Court may deem fit and proper, in the facts and circumstances, of the case.”



3. W.P.(C) 5443/2024 has been filed with the following prayers:

“i. issue a writ, order or direction in the nature of mandamus or any other writ to the Respondent to accept the 1st Appeal of the petitioner and, to provide all the information, as is sought by the petitioner, in the RTI Application attached, in Annexure 2, of this writ, in the interest of justice and public interest

ii. issue a writ, order or direction in the nature of mandamus or any other writ to the Respondent, to set aside the order passed by the CIC, in case ref.no..CIC/MHOME/C/2019/600661, dated 6.02.2021.

iii. Pass any other or further order or orders, as the Court may deem fit and proper, in the facts and circumstances, of the case.”

4. The Petitioner vide RTI application dated 23.10.2020 sought the following information:

- PIO to confirm that the RAW had initiated or conducted any enquiry or INTELLIGENCE GATHERING on a person by the name of Samir Sardana from 1st January, 2016 to date
- PIO to confirm that the RAW had initiated or conducted any investigation or INTELLIGENCE GATHERING, on a person by the name of Samir Sardana from 1st January, 2016 to date
- PIO to confirm that any status or enquiry or investigation report OR INTELLIGENCE REPORT, related to the above, was prepared by the RAW
 - If Yes, the numbers of the said reports, dates of the reports and the persons to whom they were submitted
- PIO to confirm that any INTELL OR ENQUIRY NUMBER was generated w.r.t the abovesaid enquiry or investigation on Samir Sardana
- PIO to confirm that the enquiry or investigation or intel gathering exercise, on Samir Sardana is completed and if completed the date of completion of the said enquiry
- PIO to provide a copy all the status or enquiry or investigation reports or intel reports related to Samir Sardana, as prepared by the RAW (After due redactions)
- PIO TO CONFIRM THAT THE ENQUIRY/INVESTIGATION REPORT HAS CONTENT, WHICH PRIMA FACIE, INDICATES A POSSIBLE PAST, PRESENT OR FUTURE THREAT TO THE LIFE OF THE APPLICANT WITHIN AND OUTSIDE INDIA
- PIO TO CONFIRM THAT THE ENQUIRY/INVESTIGATION REPORT HAS CONTENT, WHICH PRIMA FACIE, INDICATES A POSSIBILITY OF FALSE INFORMATION AND INTEL WHICH LED TO THE ARREST OF THE APPLICANT AND THE SUBSEQUENT ENQUIRY ON THE APPLICANT

5. The aforesaid information was denied on the ground that the Department of Research and Analysis Wing (RAW) is included in the



Second Schedule of the RTI Act and the Act will not apply to the Organization. There is nothing mentioned in the writ petition which shows that the information sought by the Petitioner either deals with allegations of corruption or violation of human rights.

6. This Court is not inclined to interfere with Order of Ld. CIC which has rejected the Second Appeal on the very same ground.

7. The writ petitions are dismissed on merits and for non-prosecution, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

APRIL 23, 2024

S. Zakir