

11.07.2025
Sl. No.22
tkm

W. P. A. 1482 of 2025

[Mahabir Shaw -Vs- State of West Bengal & Ors.]

Mr. Asis Bhattacharya
... .. for the petitioner

Mr. Pankaj Halder
Mr. Sanatan Panja
... .. for the State

1. Petitioner has preferred the present writ petition being aggrieved by the inaction of the respondents in not furnishing the information sought by the petitioner through an application dated 24.7.2024 made under the provisions of Right to Information Act 2005 (hereinafter referred to as the RTI Act).
2. It is the case of the petitioner that pursuant to filing of the said RTI application, the respondents failed and neglected to respond within the stipulated period prescribed under the RTI Act.
3. The petitioner contends that despite having issued reminders to the concerned Public Information Officer (PIO), the requested information has not been supplied, thereby defeating the purpose and object of RTI Act 2005.
4. However, from perusal of the records, it appears that the petitioner has not availed his alternate statutory remedy available under the RTI Act, 2005. In particular, the petitioner has not preferred first appeal under section 19(1) of the RTI Act before the designated appellate authority, nor has any second appeal been filed before the Central or the State Information

Commission, as the case may be, under section 19(3) of the RTI Act.

5. The RTI Act provides the self contained mechanism for redressal of grievance arising out of non-response, delayed response, unsatisfactory response to an RTI application. The said statutory scheme mandates that the aggrieved applicant must first approach the first appellate authority, and thereafter if necessary, the concerned Central/State Information Commission.

6. In view of the availability of an alternate and efficacious remedy under the RTI Act 2005, this court is of the considered view that the applicant must first approach the first appellate authority and thereafter, if necessary, the concerned information commission.

7. In view of the availability of the alternate and efficacious remedy, this court is of the considered view that the petitioner must exhaust his statutory remedy before invoking the extraordinary jurisdiction of this court under Article 226 of the Constitution.

8. Accordingly, the present writ petition is dismissed on the ground of availability of an alternate remedy. However, petitioner is granted liberty to approach the appropriate appellate authority under the RTI Act by preferring the first appeal in accordance with law.

(Gaurang Kanth, J.)