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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8000 OF 2024

Iqbal Burhanuddin Khatib

...Petitioner

Versus

The State of Maharashtra

Through Department of Revenue & Ors.

...Respondents

Adv. Shamiyana H. i/b. Arhat Legal, for the Petitioner.

Mr. A.I. Patel, Addl. G.P. a/w P.N. Diwan, AGP, for the Respondent - State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 26 FEBRUARY 2025

P.C.:

1. This petition is filed under Article 226 of the Constitution of India for the following substantive reliefs:-

- a. This Hon'ble Court may be pleased to issue a writ in the nature of mandamus or any other appropriate writ, order or direction calling for the records and proceedings from Respondent Nos. 3 to 5 pertaining to Exhibit A to Exhibit D and after going through the records, this Hon'ble Court be pleased to issue order, direction or a writ in the nature of writ of mandamus directing the Respondents to comply with the provisions of RTI Act providing information sought by the Petitioner in the RTI Application under the provisions of RTI Act as per the procedure laid down in the Statute by providing information requested thereunder.
- b. That this Hon'ble Court be pleased to issue appropriate writ, order or direction initiating appropriate action against the delinquent Respondents for acting contrary to the mandate of the RTI Act and Rules thereunder by not

providing information, further, not deciding the application and appeals preferred by the Petitioner before the said authorities.”

2. Learned Advocate Shamiyana H. for the petitioner would at the very outset, submit that the petitioner is mainly aggrieved by the inaction of the respondent authorities in disclosing the information under the provisions of the Right to Information Act, 2005 (“**RTI Act**” for short).

3. The petitioner preferred an application dated 2 September 2022 under Section 3 of the RTI Act addressed to the Public Information officer seeking certain information from the said authority. The petitioner did not receive any response from the said respondents which ought to have been given within a period of 30 days from the date of such application being made by the petitioner.

4. The learned counsel for the petitioner would then submit that on 11 October 2022 respondent no.3 addressed a communication, in response to the above application of the petitioner. However, the petitioner has a grievance in regard to such communication as it was short of the proper disclosure as required under the RTI Act.

5. Being aggrieved by above communication dated 11 October 2022, the petitioner approached the first appellate authority by filing an appeal in the prescribed format on 18 January 2023.

6. The learned Advocate for the petitioner would next submit that despite filing said appeal, the petitioner did not hear from the first

appellate authority within the prescribed period of 45 days. It was in such circumstances that the petitioner approached second appellate authority by filing second appeal under the RTI on 11 January 2024.

7. The learned counsel would urge that the petitioner has not received any response nor has heard from the second appellate authority and the appeal remains pending until date.

8. Mr. A.I. Patel, learned AGP would oppose the petition. However, there is no written opposition/reply on record.

9. We have heard learned counsel for the parties and with their assistance, perused the record. It appears that the petitioner has been approaching the respondent authorities under the provisions of the RTI Act seeking information more particularly, under Section 3 of the said Act. However, inaction and lack of response from the respondent authorities constituted under the RTI Act has made the petitioner to file the appeals under the relevant provisions of the said Act. As submitted by Advocate Shamiyana, learned counsel for the petitioner, the appeal dated 11 January 2024 is pending with the second appellate authority i.e. respondent no.5. In view thereof, such appeal ought to be decided in accordance with law. In our view, the following order would meet the interest of justice.

ORDER

- (i) The respondent no. 5 is directed to hear the petitioner and after such hearing pass a reasoned order in accordance with

law on the Appeal dated 11 January 2024 pending with the said respondent as expeditiously as possible and not later than within a period of six weeks from the date this order is made available to the said respondent.

- (ii) All rights and contentions of parties are expressly kept open.
- (iii) The petition is disposed of in the above terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]