

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14803 OF 2025

Arun Lohot

...Petitioner

Versus

The State of Maharashtra and anr.

...Respondents

Mr. Vinay Bhorge, for the Petitioner.

Mr. Rohit Sakhadeo, for Respondent No.2 – TMC.

Mr. N. C. Walimbe, Addl. GP, a/w Vrishali Raje, AGP for the
State.

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CORAM: N. J. JAMADAR, J.

DATED: 19th NOVEMBER, 2025

Order:-

1. By this petition under Article 227 of the Constitution of India, the petitioner seeks the following reliefs:

A] That this Hon'ble High Court may be pleased to issue appropriate writ, order or direction in the nature of writ and thereby quash and set aside the impugned order dated 18.2.2025 passed by the State Information Commissioner (Respondent No.1).

B] This Hon'ble High Court be pleased to direct the Respondent No.1 to fix a date for hearing of the Second Appeal No.256 of 2024 following the summons notice dated 29.10.2024 and also direct the Respondent No.2 to comply with the directions given in the clause 1 of the summons dated 29/10/2024.

C] This Hon'ble High Court be pleased to impose Cost of Rs. 5 lakhs on the Respondent No. 2 and the said cost may be paid to the Petitioner as compensation for mental stress caused by the inaction of the Respondent No. 2.

D] That this Hon'ble High Court may direct the Respondent No. 2 to pay the Cost of Rs.25,000 as per the order dated 18.2.2025.

D] Pass such other just and equitable relief in favor of the Petitioner for which the Petitioner deems fit.”

2. The petitioner is a public spirited citizen. The petitioner has filed an application under the Right to Information Act, 2005 (“RTI Act, 2005”) seeking information from the Thane Municipal Corporation (“TMC”) (R2) in regard to the actions taken by the Corporation against the unauthorized hawkers, stalls on handcarts and rickshaw drivers.

3. As the information was not furnished, the petitioner preferred an appeal before the First Appellate Authority. By an order dated 19th January, 2024, the First Appellate Authority ordered the public information officer, TMC, to furnish the information to the petitioner, within 15 days.

4. As the Public Information Officer (“PIO”) did not comply with the order of the First Appellate Authority, the petitioner preferred an appeal before the State Information Commission. By an order dated 29th October, 2024, the State Information Commission directed the PIO, TMC, to furnish the information within a period of 15 days thereafter, and also directed the PIO to show cause as to why penalty under Section 20(1) of the RTI Act, 2005 be not imposed on the PIO.

5. It appears that, on 21st January, 2025, further hearing was held by the State Information Commission to consider the cause shown by the PIO. The reason ascribed by the PIO that, on account of the other pressing work commitments, the information could not be provided to the petitioner, was not found satisfactory. Thus, rejecting the said explanation, the State Information Commission imposed the penalty of Rs.25,000/- on the PIO under Section 20(1) of the RTI, 2005, with a direction to deduct the said amount in five installments from the salary of the PIO. The Commission also noted that the information sought by the petitioner was furnished to the petitioner on 13th January, 2025 and documents evidencing the supply of the said information were tendered before the Commission.

6. Dissatisfied, the petitioner has invoked the writ jurisdiction to seek the afore-extracted reliefs.

7. I have heard Mr. Vinay Bhorge, the learned Counsel appointed to espouse the cause of the petitioner, and Mr. Rohit Sakhadeo, the learned Counsel for respondent No.2 TMC.

8. Mr. Bhorge, the learned Counsel for the petitioner, submitted that the orders passed by the State Information Commission do not constitute full redressal of the grievance of

the petitioner. An endeavour was made by Mr. Bhorge to press into service the documents and material to show that there has been no action taken by the TMC against the illegal hawkers, stall runners and rickshaw drivers, in Thane. Therefore, the disposal of the second appeal by the State Information Commission has not yielded any result.

9. Mr. Sakhdeo, the learned Counsel for respondent No.2, submitted that the petition is wholly misconceived and the grievance of the petitioner so far as the supply of information under RTI Act, 2005 has, in fact, been completely redressed.

10. The submission of Mr. Sakhdeo appears to carry substance. Evidently, the direction to fix “peremptory date of hearing of the Second Appeal No.256/2024” has become redundant as not only the second appeal but even the proceeding to impose penalty on the PIO, has been finally decided by the State Information Commission.

11. So far as the prayers for compensation and payment and the recovery of the amount of penalty, suffice to note that the State Information Commission has imposed the maximum penalty of Rs.25,000/- under Section 20(1) of the RTI Act, 2005 and has even ensured its recovery by directing deduction of the said amount in five installments from the salary of the

concerned PIO. In this view of the matter, the rest of the prayers in the petition cannot be countenanced.

12. It appears that the principal grievance of the petitioner is that TMC has not taken action against the illegal hawkers and rickshaw drivers etc. The instant petition is not the medium, through which the petitioner can legitimately agitate the said grievance. To the extent of the rights of the petitioner enshrined under the RTI Act, 2005, the grievance seems to have been redressed. Therefore, the petition does not deserve to be entertained any further.

13. The petition, thus, stands dismissed.

[N. J. JAMADAR, J.]