



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

CWP-8609-2017 (O&M)

Date of decision: 10.03.2026

Kulbhushan Jain

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Dr. Deepak Jindal, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

None for respondents No.3 to 5.

KULDEEP TIWARI, J. (Oral)

1. The instant writ petition assails the orders dated 09.12.2015 (Annexure P-4), 04.04.2016 (Annexure P-10), passed by the First Appellate Authority, and 31.05.2016 (Annexure P-11), rendered by the State Information Commission, vide which, the information sought by the petitioner, under the Right to Information Act, 2005 (for short, 'the Act of 2005'), has been denied, on the ground that the same relates to a third party, and would unnecessarily invade the privacy of an individual.

2. In nutshell, the petitioner filed an application dated 26.09.2015 (Annexure P-2), under the Act of 2005, seeking the following information:-

“a. Please send me a copy of the application, if any, submitted in your office for getting approval from Municipal Corporation, Rohtak for raising/constructing this building;

b. Please send me copies of all the documents filed with this application by the applicant(s);

c. Please send me a copy of the “Building Plan”



which has been approved or which is likely to be approved by the Municipal Corporation, Rohtak;

d. Please let me know the latest status of this above application/case/matter;

e. Please allow me to have inspection of the file of the case.”

3. Since the abovesaid information was not supplied to the petitioner within the stipulated period of 30 days, he filed a statutory first appeal. Whereupon, the Appellate Authority, vide order dated 09.12.2015 (Annexure P-4), observed that some of the information had already been supplied to the petitioner on time. However, since the information qua points B and C relates to a third party, his reply was solicited, which was not filed. Accordingly, the appeal was filed/disposed of, with a direction to the Assistant Public Information Officer and Inspector Building, to proceed in terms of the Act of 2005. Dissatisfied, he preferred second statutory appeal, which too, met the same fate, and was dismissed vide order dated 31.05.2016 (Annexure P-11), only on the ground that the information appertained to a third party.

4. Learned counsel for the petitioner, while drawing attention of this Court to Section 8(j) of the Act of 2005, submits that no satisfaction was recorded by the State Public Information Commission concerned, as to whether, any public interest would be served upon disclosure of the third party information or not? In the instant case, the third party has got constructed a building, in a sheer violation of the building plan/bye-laws, thereby, encroaching upon the area owned by the petitioner. In such circumstances, the asked for information is vital for the petitioner to establish his claim before the competent forum, for getting his grievance redressed. He further submits that pertinently, the violation was duly acknowledged by the Municipal Corporation, Rohtak, pursuant where to, necessary action, under Section 261 (i) and (ii) of the Haryana Municipal Corporation Act, 1994, has already been resorted to, besides lodging an FIR, in this regard. While concluding, it is urged that, for the petitioner, to take the matter to its logical end, the complete



building plan is an inevitable requirement.

5. Since none is present on behalf of respondents No.3 to 5, this Court has directed Mr. Bhupender Singh, learned Additional Advocate General, Haryana, to assist the Court on behalf of the said respondents. Accordingly, he submits that since the asked for information also includes a site plan, which, indeed, belongs to a third party, furnishing thereof may entail serious consequence.

6. This Court has heard learned counsel for the parties, and has gone through the record.

7. *Ex facie*, a bare perusal of the impugned orders unambiguously reflects that the same have been passed with a mechanical approach. It is an admitted position that the SPIO had called for the comments/consent of the third party for furnishing the asked for information, to which he did not accede. However, it is equally true that he did not record any reason, in sync with provisions of the Act of 2005, while rejecting the prayer of the petitioner.

8. Before proceeding further, it would be expedient to have a glance of Section 8(j) of the Act of 2005:-

“8. *Exemption from disclosure of information.*

xx xx xx xx

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information”

9. In the matter at hand, the petitioner has sought the information on the ground that the third party got constructed a building in gross violation of the building rules/bye-laws, and encroached upon the area owned by him. In such a peculiar situation, where the information has a nexus with the petitioner, as averred by him since



beginning, the SPIO, in terms of Section 8 (j) of the Act, was obliged to record his satisfaction, as to whether, disclosure of the third party information would serve any public interest or not. However, as demonstrated above, he did not touch this crucial aspect of the matter, and thus, miserably failed to discharge his statutory obligation before passing the impugned order. In such circumstances, this Court is of the affirmed opinion that the impugned order, in no uncertain terms, has been passed mechanically, solely, on the ground that the third party has categorically raised an objection in divulging the sought for information. Therefore, the impugned orders, being unsustainable, are set aside.

10. Consequently, the *lis* is remitted to the SPIO concerned, with a direction to consider the application of the petitioner afresh, and pass an appropriate order, in accordance with law, after giving due opportunity of hearing to the parties concerned, within three months from the receipt of a certified copy of this order.

11. **Disposed of**, accordingly.

(KULDEEP TIWARI)
JUDGE

10.03.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No