

Chief Justice's Court

Case :- SPECIAL APPEAL No. - 465 of 2010

Petitioner :- Brahm Singh

Respondent :- State Information Commissioner, Lucknow And Others

Petitioner Counsel :- N.L. Pandey

Respondent Counsel :- C.S.C.

Hon'ble Amitava Lala, Acting Chief Justice

Hon'ble Ashok Srivastava, J.

In this special appeal, order of the learned Single Judge dated 22.03.2010 is challenged. The learned Single Judge has held that under the provisions of the Right to Information Act, 2005, which is self-contained Act, which provides the power to impose penalties in an appropriate case for non-furnishing of the informations. Thereby, the learned Single Judge has held since once the Act in question is self-contained Act, and penal clause is there with further authority to undertake disciplinary action and punish such an incumbent, then there is no occasion to issue any direction vis-a-vis under the Right to Information Act, 2005.

According to us, the decision of the learned Single Judge is correct. Two simultaneous process cannot be adopted by the writ Court to issue a writ of mandamus and at the same time direct the authority to proceed in accordance with law even for imposing penalty due to non-supply of the available documents. When the Act in question is self-contained, then it is self contained in all possible manner irrespective of the factum, which has been taken by the learned Counsel appearing for respondent no.5 that respondent no.5 is a private body to which the Right to Information Act, 2005 cannot be held to be applicable. We are not going to that bar, but we hold and say that judgment and order passed by learned Single Judge is correct, which does not require any interference in the special appeal, therefore, the same is dismissed without imposing any costs.

Order Date :- 2.4.2010

VMA