

Gujarat High Court  
Rakesh vs Public on 21 March, 2011  
Author: Dn Patel,&Nbsp;

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SCA/25416/2007 3/ 3 ORDER

IN

THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL

CIVIL APPLICATION No. 25416 of 2007

With

SPECIAL

CIVIL APPLICATION No. 25417 of 2007

=====

RAKESH

J MODI - Petitioner(s)

Versus

PUBLIC

INFORMATION OFFICER & 2 - Respondent(s)

=====  
Appearance

:

PARTY-IN-PERSON

for the

Petitioner.

=====

CORAM

:

HONOURABLE

MR.JUSTICE DN PATEL

Date

: 05/10/2007

ORAL

ORDER

The

aforesaid petitions have been preferred by the petitioner ventilating main grievance to the effect that the information supplied by the Information Officer of Gujarat Slum Clearance Cell is wrong information and therefore, State Information Commission ought to have imposed heavy penalty upon the concerned officer under Right to Information Act, 2005 and therefore, the present petitions have been filed.

2.

I have heard the petitioner who appears as party in person. Looking to the facts and circumstances of the case, it appears that the present petitioner is a journalist and editor of Dascroi Taluka Samachar and had asked for some information from Gujarat Slum Clearance Cell to the effect as to how many persons are residing in the colony known as Vivekanantnagar which is under Gujarat Slum Clearance Board and in how many cases, they have issued notices to the persons who are unauthorisedly residing in those dwelling units. When such notices have been issued and at what intervals and whether any

recovery has been made by Gujarat Slum Clearance Board. This information has been asked without narrating since how many years in past, notices have been issued. It appears that the original applicant is in need of information about nos. 1 and 2 of his application since the very beginning of construction of Vivekanandnagar. Likewise, other information has also been asked under section 6 of the Act of 2005. It also appears that thereafter, reply was given by the Public Information Officer against which First Appeal was preferred. In the First Appeal also, the order an order was passed against which the present petitioner preferred Second Appeal before State Information Commissioner in the month of August, 2006 and State Information Commissioner has passed the order in the month of May, 2007 to the effect that Public Information should give information as per the order passed by the Second Appellate Authority. In pursuance of this order in the Second Appeal, further information was given by the Public Information Officer on 12th June, 2007. It is submitted by the party-in-person that this information is incorrect and wrong. It also appears from his tone of arguments that he knows what is correct information and therefore, he is able to point out that information supplied is incorrect and therefore, the petition is preferred so as to initiate action against erring officer especially Public Information Officer under section 20 of the Act of 2005.

### 3. Looking

tot he scheme of the Act of 2005, it appears that against the order passed by the Public Information Officer or against information supplied by the Public Information Officer, First Appeal is available under section 19(2) of the Act of 2005. Against that order, Second Appeal is also provided under section 19(4) of the Act of 2005 and if the information supplied is wrong or incorrect, as per original applicant, an application can also be preferred under section 18 of the Act of 2005. Thus, after getting this information, the present party-in-person has not applied under section 18 of the Act before State Information Commission nor he has preferred First Appeal which is available remedy under the Act of 2005. Thus, two remedies are available to the present party-in-person. In view of this availability of efficacious remedy under the Act of 2005, I am not inclined to exercise extraordinary jurisdiction vested in this Court under Article 226 of the Constitution of India. There is therefore, no substance in these petition. Hence, the same are dismissed in limine.

(D.N.Patel,J)

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