

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

Interim Relief Application No. 2150/2012

in

**Writ Petition No. 470 (M/S) of 2012**

Ravi Pandey S/o Sri R.P. Pandey

- Petitioner

VS.

Information Commissioner Uttarakhand Dehradun  
and another

- Respondents

**[Hon'ble B.S. Verma, J. (Oral)]**

Heard Mr. Ashish Joshi, Advocate appearing on behalf of the petitioner.

By means of this petition the petitioner has sought the following relief:-

- A. To issue a writ, order or direction in the nature of certiorari quashing the order dated 29-8-2011(Annexure No.1) passed by the respondent No.1 to this extent the cost imposed upon the petitioner and to recover the amount from the petitioner's salary.
- B. To issue a writ, order or direction in the nature of mandamus commanding the respondent No.1 not to take any action in pursuance to the order dated 29-8-2011 against the petitioner for recovery of amount.
- C. To issue any suitable order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.
- D. To award the cost of the writ petition to the petitioner.

According to petitioner the information was sought by the respondent No.2 to the effect that -what are the circumstances delaying action on road encroachers as no action is being taken for the last forty days despite assurances, while action for demolishing big encroachments on prominent roads has been on and what difficulty is being encountered in taking action on street roads encroachers.

The reply was given within time. The Information Commissioner has not observed in his order that the information was given with delay and the penalty was imposed on the ground that contradictory information was given. If the information has been given within time, prima facie the penalty was imposed against the

spirit of the Act, since the information has been supplied within time.  
However, the matter requires scrutiny.

Issue notice to respondent No.2 returnable in four weeks.

He may file the counter affidavit.

List thereafter.

The operation of the impugned order passed by the learned  
Information Commissioner is stayed till next date of listing.

The interim relief application stands disposed of.

ISB

**(B.S. Verma, J. )**

**21-03-2012**