

Uttaranchal High Court
Uttaranchal High Court
Sri Ratan Prakash vs Union Of India And Others on 3 January, 2011
IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No.2290 of 2010 (M/S)

Sri Ratan Prakash S/o Late Sri Sadanand .. Petitioner Versus

Union of India and others .. Respondents

Mr. S.S. Yadav, Advocate for the petitioner. Mr. V.B. S. Negi, Asst. S.G. for respondents.

(Hon'ble B.S. Verma, J.)

Heard Mr. S.S. Yadav, Advocate for the petitioner and Mr. V.B.S. Negi, Assistant Solicitor General, on behalf of respondents.

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

1- To issue a writ, order or direction in the nature of mandamus directing the respondents 2 and 3 to comply the order dated 24-4-2009 (Annexure No.1 to the writ petition). 2- To issue a writ, order or direction in the nature of mandamus directing the respondents 2 and 3 to provide the required documents to the petitioner.

According to the petitioner he had moved an application U/S 6 of Right to Information Act, 2005, before the Central Information Officer/ Chief General Manage, Barat Sanchar Nigam Ltd. Uttarakhand Circle, Dehradun requiring some information. Thereafter he preferred CIC/AD/A/2009/000345 dated November 6,2009 before Central Information Commission, who vide impugned order dated 24-04-2009 issued direction to the respondents to locate the information against point Nos. 3,4 and 5 and provide the same to the complainant and also issued show cause notice that in failure the CPIOS shall furnish separate affidavits about missing information and giving reasons for its non-availability. However, no explanation was submitted hence 2

penalty of Rs. 25000/- was imposed by Central Information Commission. Now the petitioner has filed this petition for issuing mandamus in his favour directing the respondents 2 and 3 to comply the impugned order dated 24-4-2009 passed by Central Information Commission.

The impugned order has been passed by Central Information Commission and if the respondents are not complying with the same, the petitioner should move application before the Chief Information Commission for execution of the order and such a writ petition cannot be entertained in this court. With the above observation the writ petition is disposed of finally.

Dated: 3-1-2011 (B.S. Verma, J.) ISB