

(2011) 12 BOM CK 0132

In the Bombay High Court

Case No : Letters Patent Appeal No. 358 of 2011 in Writ Petition No. 4221 of 2009 (d)

Girish Rameshchandra Deshpande

APPELLANT

Vs

Central Information Commissioner and Others

RESPONDENT

Date of Decision : 21-12-2011

Acts Referred:

Right to Information Act, 2005 — Section 11, 8, 8(j)

Citation : (2011) 12 BOM CK 0132

Hon'ble Judges : D.D. Sinha, J;A.P. Bhangale, J

Bench : Division Bench

Advocate : A.P. Wachasunder, for the Appellant; R.S. Sundaram, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard the learned counsel for the petitioner as well as learned counsel for respondent No. 2. Letters Patent Appeal is directed against the order dated 16/2/2010 whereby Writ Petition No. 4221 of 2009 filed by the petitioner against the order of the Central Information Commissioner came to be dismissed. The learned counsel for the appellant has submitted that the appellant had applied for documents mentioned in the impugned order which were denied to him by respondent No. 1 - Central Information Commissioner. The learned counsel for the appellant submitted that the decision reported in Mr. Surupsingh Hrya Naik Vs. State of Maharashtra and Others, , particularly considering the observations made in para No. 15 of the said judgment, concludes the issue in question and would show that the denial of these documents by respondent nos. 1 and 2 to the petitioner is an act not sustainable in law. It is further contended that though as per Section 8(j) of the Right to Information Act, 2005, 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. It is submitted that the documents which are sought by the appellant/petitioner in terms would serve the public purpose though the information sought is of a personal nature and therefore, Central Information Commissioner was not justified in passing the order which was impugned in the writ petition. Similarly, the learned Single Judge failed to take into consideration the law declared on the subject by the Apex court, which has resulted in miscarriage of justice.

2. Mr. Sundaram, learned counsel for the respondent, on the other hand, supported the order passed by the learned Single Judge.

3. Considered the contentions canvassed by the learned respective counsel and perused the impugned order passed by the learned Single Judge. The observations made by the learned Single Judge in last paragraphs of the order read thus -

Perusal of paragraph No. 15 for judgment of this court itself shows that the Division Bench has found that generally such information normally cannot be denied to Parliament and State unless the person who opposes the release of the information makes out a case that such information is not available to Parliament or State. Facts disclosed in para nos. 2, 3 and 10 of reported judgment clearly shows that an influential person spent most of his jail sentence in hospital, Division Bench has also held that right to privacy is part of right to life. Invasion of privacy appears to be permitted when it is in larger public interest by Sections 8 and 11 of the Right to Information Act. In view of these observations I have perused the petition to find out the nature of allegations. There are no allegations of any corruption practice or other similar activities to say that such disclosure will be in public interest. Shri Wachasunder, learned counsel however has urged that no such allegations are statutorily required. Looking to the nature of documents, it is apparent that the documents are of personal nature and therefore, have been rightly denied to the petitioner. There is no jurisdictional error. In present facts, finding of CIC on larger public interest is not demonstrated to be perverse. I, therefore, find that no case is made out by the petitioner warranting any interference in exercise of writ jurisdiction. Writ petition is thus dismissed, with no order as to cost.

Perusal of the above referred observations clearly show that the learned Single Judge was justified in holding that there was no jurisdictional error and information sought would not serve the public purpose, same being of a personal nature. In the circumstances, no case is made out for indulgence. Letters Patent Appeal is, therefore, dismissed.