

(2018) 06 UK CK 0109

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 870 of 2018

Gurjeet Singh

APPELLANT

Vs

State Information Commissioner, Uttarakhand & others

RESPONDENT

Date of Decision : 25-06-2018

Acts Referred:

Citation : (2018) 06 UK CK 0109

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : B.S. Koranga, S.K. Mandal, S.R. Joshi

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J. (Oral)

Respondent no.5 sought certain information under the Right to Information Act, 2005 from the revenue officials in District Udham Singh Nagar.

Information pertained to certain land, as the case of the respondent no.5 was that certain persons were in unauthorized occupation of the Government

land. Since he did not get satisfactory reply from the Public Information Officer, he filed an appeal before the first appellate authority. Being aggrieved

with the order of first appellate authority, respondent no. 5 filed the second appeal before the State Information Commissioner.

The State Information Commissioner in its order dated 22.02.2018 has referred to the report of Revenue Inspector which states that at the relevant

place there are 26 unauthorized occupants and held that the information has been provided to the informant. However, State Information

Commissioner further directed the Sub Divisional Magistrate, Sitarganj, District Udham Singh Nagar to furnish all the details as to who are the

unauthorized occupants at Khasra No.362/01 and what action is being taken against the unauthorized occupants.

It appears that subsequent to the aforesaid order, which was also communicated to the District Magistrate, Udham Singh Nagar, the present petitioner received a notice.

No interference is liable to be made on this nor it is the case where the petitioner was liable to be heard by the State Information Commissioner,

where he was not a party. The directions given by the State Information Commissioner are only recommendatory in nature to the District Magistrate,

Udham Singh Nagar as a concern has been shown by a Statutory Body regarding the unauthorized occupants on a Government property.

In view of the above, the writ petition stands dismissed.

The District Magistrate, Udham Singh Nagar and the Sub Divisional Magistrate, Udham Singh Nagar shall take an action on the said report after

being satisfied that further action needs to be done as the order of State Information Commissioner is only recommendatory in nature, though due

consideration ought to be given to the order.

The Registrar General of this Court is hereby directed to communicate a copy of this order to the concerned Officers for onward compliance.