

(2010) 05 UK CK 0079

In the Uttarakhand High Court

Case No : Stay Application No. 3130 of 2010 In Writ Petition No. 640 of 2010 (M/S)

Mangal Singh

APPELLANT

Vs

Uttarakhand Information Commission, Dehradun

RESPONDENT

Date of Decision : 03-05-2010

Acts Referred:

Right to Information Act, 2005 — Section 18, 19

Citation : (2010) 2 UC 811

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Advocate : T.A. Khan, for the Appellant; Vipul Sharma, Advocate for the Respondent Nos. 1 and 2 and Mr. K.P. Upadhyay, Addl. C.S.C. for the Respondent No. 3., for the Respondent

Judgement

Hon''ble B.S. Verma, J.—Heard Learned Counsel for the parties and perused the record.

2. By means of this writ petition, the Petitioner has sought a writ in the nature of certiorari for quashing the judgment and order dated 19-3-2010 passed by the Respondent No. 2 in Complaint No. 2720/ C(2)/728/2010 annexed as annexure No. 1 to the writ petition whereby the application was rejected by the Respondent No. 2 on the ground that the information's, which was sought have been given on 20-10-2009.

3. The grievance of the Petitioner is that the reply was given by the District Supply Officer is an evasive answer. In reply thereto the answer was given that ration cards number are in the name of the person concerned.

4. Learned Counsel appearing for the Petitioner has vehemently urged that the detailed information was not given that in whose name the ration card exists. 2

5. Learned Counsel for the Respondent No. 2 has stated that the Respondent No. 2 after perusal of the record has specifically recorded the findings that the

information, which was sought and was made available to the Petitioner is sufficient and satisfactory.

6. I have perused the record and after considering the reply filed by the District Supply Officer, Nainital. It reveals that the Petitioner did not appear before the Respondent No. 2 and in absence of the Petitioner the complaint of the Petitioner was disposed of.

7. The order impugned has been passed u/s 18 of the Right to Information Act, 2005, the order of the Public Information Officer as well as the First Appellate Authority have not been assailed u/s 19 of the Right to Information Act, 2005 before the Respondent No. 2 by filing appeal.

8. However, liberty is given to the Petitioner, if the Petitioner is not satisfied with the information, which was given to him, he may prefer 2nd appeal before the 2nd Appellate Court i.e. Respondent No. 2. If the appeal is filed, the Respondent No. 2 shall decide the appeal without being influenced by the order impugned in accordance with law on merits.

9. With the said direction and observations, the writ petition is disposed of finally.

10. All pending applications stand disposed of accordingly.