
(2021) 01 UK CK 0016

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3318 Of 2016

Manju Agarwal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Citation : (2021) 01 UK CK 0016

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Shobhit Saharia, V.D. Bisen, Sayed Nadim

Final Decision : Allowed

Judgement

Manoj Kumar Tiwari, J

1. By means of this writ petition, petitioner has challenged the order dated 08.08.2016 passed by State Information Commission and the consequential orders dated 20.08.2016 & 29.11.2016 passed by Executive Officer, Nagar Palika Parishad Kotdwar.

2. Vide order dated 08.08.2016, State Information Commission had expressed displeasure regarding inaction on the part of Sub Divisional Magistrate,

Kotdwar and had directed the Public Information Officer/ Executive Officer, Nagar Palika Parishad, Kotdwar to take necessary action with the help

of local administration to remove the encroachment alleged to have been made by the petitioner within 15 days. Pursuant to the said order, Executive

Officer, Nagar Palika Parishad has passed the order dated 29.11.2016, whereby petitioner was called upon to remove his alleged illegal construction

within a week failing which same shall be demolished by Nagar Palika Parishad.

3. It is the contention of learned counsel for the petitioner that direction issued

by State Information Commission for removing the encroachment is beyond scope of his powers under Right to Information Act.

4. This Court finds substance in the contention raised on behalf of the petitioner. Under the Right to Information Act, there is no such power available to State Information Commission.

5. In such view of the matter, writ petition is allowed. Impugned order dated 08.08.2016 passed by State Information Commission and the consequential orders dated 20.08.2016 & 29.11.2016 passed by Executive Officer, Nagar Palika Parishad Kotdwar are quashed.