

(2011) 11 BOM CK 0143
In the Bombay High Court
Case No : Writ Petition No. 655 of 2011

Pallet Hotels (I), Pvt. Ltd.

APPELLANT

Vs

Director of Urban Development, First Appellate Authority,
Directorate of Municipal Administration, Government of Goa
and Shri Babdhagit Nadaf

RESPONDENT

Date of Decision : 25-11-2011

Acts Referred:

Right to Information Act, 2005 — Section 11

Citation : (2011) 11 BOM CK 0143

Hon'ble Judges : F.M. Reis, J

Bench : Single Bench

Advocate : A. F. Diniz with Mr. A. D. Bhole, for the Appellant; Susan Linhares, Addl. Government Advocate for the Respondent No. 1, Mr. S. D. Padiyar, Advocate for Respondent No. 2 and Mr. E.O. Mendes, Advocate for the Respondent No. 3, for the Respondent

Judgement

F.M. Reis, J.—Heard Shri A. F. Diniz, learned Counsel appearing for the Petitioner, Ms. S. Linhares, Addl. Government Advocate for Respondent no.1, Mr. S. D. Padiyar, learned Counsel appearing for Respondent no.2 and Mr. E. O. Mendes, learned Counsel appearing for the Respondent No. 3.

2. Rule, heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the Respondents waive service.

3. The short point in controversy to the above Petition is that the impugned Order passed by the Respondent no.1 dated 03.10.2011 was passed without hearing the Petitioner. In support of the said contention, the learned Counsel appearing for the Petitioner has relied upon Section 11 of the Right to Information Act, which contemplates that in cases in which information sought is in respect of third parties, such third parties have to be heard before any such Order is passed.

4. The learned Counsel appearing for the Respondents have not disputed the said

proposition and have fairly conceded that the Petitioner was not heard before the impugned Order was passed.

5. Without going in to the rival contention on merits as to whether such information sought by the Respondent no.3 can be supplied or not, it would be appropriate that the impugned Order be quashed and set aside and the matter be remanded to the Respondent no.1 to decide the Appeal filed by the Respondent no.3 after hearing of all the concerned parties including the Petitioner in accordance with law.

6. In view of the above, I pass the following :

ORDER

(i) The impugned Order dated 03.10.2011 is quashed and set aside.

(ii) The Case no. 59/DMA/2011/RTI/1669 is restored to the file of the Respondent No. 1.

(iii) The Respondent no.1 is directed to decide the said Appeal in the light of the observations made herein above in accordance with law.

(iv) Rule is made absolute in the above terms.

(v) Petition stands disposed of accordingly with no Order as to costs.