

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1905 of 2022****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK Sd/-**

=====

Approved for Reporting	Yes	No
		No

=====

JAYESHKUMAR AMBALAL PATEL

Versus

PUBLIC INFORMATION OFFICER & ORS.

=====

Appearance:

MR NIRAV C SANGHAVI(5950) for the Petitioner(s) No. 1

MR VISHVAJITSINH D CHAUHAN(10160) for the Petitioner(s) No. 1

MR SHIVANG M SHAH(5916) for the Respondent(s) No. 3

MR UM SHASTRI(830) for the Respondent(s) No. 1,2

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**Date : 24/03/2026****JUDGMENT**

1. **Rule** returnable forthwith. Mr.U.M. Shastri, learned counsel waives service of notice of rule on behalf of respondent Nos.1 and 2 and Mr. Shivang M. Shah, learned counsel waives service of notice of rule on behalf of respondent No.3. With consent of the learned counsel appearing for the respective parties, the matter is taken up for final hearing today.

2. Present petition is preferred by the petitioner under

Articles 14, 226 and 227 of the Constitution of India r/w the provisions of Right to Information Act with below mentioned relief/s:-

"10.(A) Your Lordship may be pleased to admit this Special Civil Application;

(B) Your Lordship may be pleased to allow this Special Civil Application by issuing appropriate writ, order or directions to respondent no.1 for implementing the order passed by the respondent no.2 in Appeal on 30.01.2021 in its true and correct spirit in the interest of justice.

(C) Your Lordships may be pleased to allow the present Special Civil Application by issuing appropriate writ, order or direction for quashing and setting aside the impugned judgment and order passed by respondent no.3 on 15.09.2021 in the interest of justice.

(D) Pending admission hearing and final disposal of the petition this Hon'ble Court may be pleased to direct the respondent no.1 to provide remaining information without charging any fees as early as possible in the interest of justice.

(E) This Hon'ble Court may be pleased to grant such other and further relief as deemed just and proper in the interest of justice."

3. The facts giving rise to present petition are that the petitioner, under the provisions of the Right to Information Act, 2005, submitted an application to respondent No.1 seeking information pertaining to the financial management of Singalgadh Village Panchayat, including details as to whether any grants have been received from the Government and the manner in which such grants have been utilized. The respondent No.1

failed to provide complete and correct information to the petitioner and only partial and incomplete information was supplied vide communication dated 30.01.2021.

3.1 Being aggrieved by the non-supply of complete information, the petitioner preferred a First Appeal before respondent No.2 seeking appropriate directions against respondent No.1 to furnish complete information. The said appeal came to be decided on 29.10.2020. Despite the order passed by the First Appellate Authority, respondent No.1 did not comply with the same in its true spirit and continued to withhold complete information. Instead, respondent No.1 issued notices for inspection of records and also made communications dated 26.09.2020 and 06.11.2020. The petitioner thereafter again approached the Appellate Authority, and the proceedings came to be disposed of on 30.01.2021 without granting complete relief.

3.2 In view of the continued failure on the part of respondent No.1 to furnish complete information, the petitioner was constrained to file a Second Appeal before respondent No.3 on 08.03.2021. The respondent No.3, however, dismissed the said Second Appeal vide order dated 15.09.2021 after considering the written submissions tendered by the petitioner. As per the petitioner the said order is erroneous and contrary to the provisions of the RTI Act, as the appeal has been

dismissed on the ground that the information sought would require collection from various records and files, relying upon judgments of the Hon'ble Apex Court, without appreciating the true scope of the petitioner's request.

3.3 The Second Appellate Authority failed to consider that the Second Appeal was filed primarily for proper implementation and compliance of the order passed by the First Appellate Authority, and therefore, the impugned order is illegal and unsustainable. The petitioner had earlier filed the First Appeal on 08.10.2020 and also addressed a communication dated 24.12.2020 requesting the information sought under the RTI Act. The petitioner also lodged a complaint dated 11.01.2021 before the First Appellate Authority for non-compliance of its order and subsequently filed a Second Appeal/complaint before respondent No.3. The petitioner also addressed a communication dated 25.02.2021 to the Public Information Officer seeking the requested information. In the aforesaid facts and circumstances, the petitioner has filed present petition with aforementioned relief/s.

4. Heard learned counsels appearing for the respective parties.

5. Mr. Sanghavi, learned counsel for the petitioner has

submitted that despite a specific order passed by the First Appellate Authority directing respondent No.1 to furnish the requisite information, the same has not been complied with in its true letter and spirit and instead of supplying the information, respondent No.1 has merely called upon the petitioner to inspect records, which cannot be said to be proper compliance under the provisions of the RTI Act.

6. However, Mr. Sanghavi, learned counsel for the petitioner, submits that the petitioner will remain personally present before the concerned respondent authority, and the said authority may be directed to furnish the information sought by the petitioner.

7. I have perused the materials and relevant documents available on record. I have also gone through the record of the petition.

8. It appears from the record that during the pendency of the petition, the petitioner circulated a draft amendment, which came to be allowed by the Coordinate Bench of this Court vide order dated 15.04.2024. Accordingly, the petitioner has carried out the said amendment.

9. Considering the facts and circumstances of the case, the petitioner is hereby directed to remain personally present before the concerned respondent authority within a period of three weeks from the date of receipt of a copy of this order. Upon the petitioner's appearance within the

aforesaid period, the concerned respondent authority shall furnish the information sought for by the petitioner, if the same is required to be supplied in accordance with law.

10. With the aforesaid direction, the petition is hereby allowed. Rule is made absolute to the aforesaid extent.

Direct service permitted.

SURESH SOLANKI

Sd/-
(HEMANT M. PRACHCHHAK,J)