

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 11940/2023

Bheru Lal Choudhary S/o Jahawar Mal, Aged About 55 Years, By  
Caste Jat, R/o Sindesar Khurd, Tehsil Railmagra, District  
Rajsamand At Present R/o 5-H-44, Kudi Bhagrtasani Housing  
Board, Near G.d. Memorial College, Jodhpur.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Land Acquisition  
Department, Govt. Of Rajasthan, Jaipur.
2. The State Public Information Officer, Jaipur.
3. The Land Acquisition Officer Cum Sub Division Officer,  
Railmangra, District Rajsamand.

----Respondents

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| For Petitioner(s) | : | Mr. Bheru Lal Jat                                 |
| For Respondent(s) | : | Mr. Sanjay Raj Paliwal, GC<br>Mr. Piyush Bhandari |

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**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**27/02/2026**

1. Present writ petition has been filed under Article 226 of the  
Constitution of India, challenging communication dated  
13.05.2023, whereby Respondent No. 3 denied to supply  
information sought by petitioner in relation to land acquisition and  
rehabilitation proceedings initiated for Village Sindesar Khurd,  
District Rajsamand.

2. Factual matrix giving rise to present petition is that  
petitioner is a resident of Village Sindesar Khurd. A notification  
dated 25.04.2023 was issued by the State Government under

Section 4(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("Act of 2013"), initiating acquisition proceedings for the purpose of rehabilitation of villagers whose lands and residences are allegedly affected by mining activities undertaken by Vedanta Group (Hindustan Zinc Ltd.).

3. Being an affected landholder, petitioner submitted an application dated 04.05.2023 before Respondent No. 3 (Land Acquisition Cum Sub-Divisional Officer) under the Right to Information Act, 2005 ("RTI Act") seeking certified copies of relevant documents and administrative record relating to said acquisition and rehabilitation proceedings. Said application of petitioner was rejected by Respondent No. 3 vide communication/letter dated 13.05.2023; however, the same was dispatched to petitioner via speed post only on 02.08.2023 and was received by petitioner's wife on 04.08.2023.

4. Learned counsel for the petitioner submits that denial of information is arbitrary and contrary to the scheme and object of the RTI Act. It is further contended that the delay of nearly three months in communicating decision dated 13.05.2023 appears to be deliberate and has the effect of frustrating petitioner's right to raise objections within the statutory framework governing land acquisition proceedings. It is thus urged that the conduct of Respondent No. 3 raises serious doubts regarding fairness of the process.

5. Per contra, learned counsel for the respondents has raised a preliminary objection regarding maintainability of present writ petition on the ground of availability of an efficacious alternative remedy in the form of appeal under the RTI Act.

6. It is further contended on behalf of respondents that rejection of application of petitioner is wholly justified as the information sought by petitioner is exempt from disclosure under Section 8(1)(e) of RTI Act.

7. To rebut the said contention raised on behalf of respondents, learned counsel for the petitioner has placed reliance on judgment dated 13.11.2019 passed by Hon'ble Supreme Court in ***Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal*** reported in **2020 (5) SCC 481**.

8. Heard learned counsel for the parties and perused the material available on record.

9. In the context of present controversy, it is important to bear in mind the philosophy underlying the RTI Act. The fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a) casts a positive duty upon State to facilitate access to information held by public authorities. Enactment of the RTI Act represents legislative fulfillment of this constitutional obligation. The purpose of the Act is to promote transparency and accountability in the functioning of public authorities by enabling citizens to obtain access to information under the control of such authorities, subject only to limited and clearly defined exemptions. Legislative scheme of the Act therefore makes disclosure the norm

and secrecy the exception. Accordingly, exemptions contained in section 8 of the Act are required to be construed strictly, and the burden to justify denial of information lies upon the public authority seeking to invoke such exemption.

10. Respondent No. 3 has denied the information sought by petitioner by invoking the exemption contained under section 8(1) (e) of the RTI Act, which reads as follows: -

“Section 8 – Exemption from Disclosure of Information

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,--

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.”

11. In this regard, learned counsel for the petitioner has placed reliance upon the judgment of the Hon’ble Supreme Court in ***Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal*** (supra), wherein the scope of exemption relating to information held in a fiduciary capacity under Section 8(1)(e) of RTI Act was elaborately considered.

12. Hon’ble Supreme Court observed that a fiduciary relationship arises when information is entrusted by one party to another in confidence with the expectation that the latter will act for the benefit of the person providing the information. It also becomes evident from the reasoning adopted by Hon’ble Supreme Court that the decision of Information Officer denying disclosure must necessarily be supported by a reasoned order. The order must

disclose the analytical approach adopted by concerned authority in balancing the competing considerations underlying the qualified exemptions contained in Section 8 of the RTI Act. In the context of fiduciary relationship under Section 8(1)(e), this would necessarily require the authority to demonstrate how information sought is held in a fiduciary capacity and how facts of the particular case attract said exemption.

13. Applying aforesaid principles to the facts of present case, this Court finds that the information sought by petitioner pertains to the administrative record relating to land acquisition and rehabilitation proceedings initiated under the Act of 2013. Such proceedings are undertaken by the State in exercise of its statutory powers and directly affect the civil and property rights of affected landholders. The documents forming part of such proceedings constitute official records generated in the course of discharge of statutory duties by a public authority.

14. In this context, this Court finds it difficult to accept the contention raised on behalf of respondents that such information is held in a fiduciary capacity. A fiduciary relationship presupposes a relationship of trust and confidence wherein information is voluntarily entrusted by one party to another for the benefit of the former. Administrative record of such acquisition proceedings is maintained by concerned authority in discharge of public functions, and respondents have failed to establish how disclosure of such information could possibly result in any breach of trust or confidentiality owed to any identifiable party.

15. This Court also finds that communication dated 13.05.2023 denying the information to petitioner does not disclose any reasoning demonstrating how exemption under Section 8(1)(e) is attracted to the facts of present case. In absence of any analytical justification showing the existence of a fiduciary relationship, the denial is mechanical and unsupported by cogent reasoning.

16. Furthermore, material placed on record indicates that communication dated 13.05.2023 was served upon petitioner after a gap of three months. RTI Act prescribes specific timelines for disposal of applications seeking information in order to ensure prompt access to information held by public authorities. The unexplained delay in communicating rejection of request defeats the very purpose of the legislation. Such delay, particularly when accompanied by vague and unsustainable reasons for denial, raises serious questions regarding the approach adopted by concerned authority. This Court is therefore constrained to observe that conduct of Respondent No. 3 does not inspire confidence and is clearly an attempt to shield the administrative record or the interests of certain third parties from scrutiny.

17. Learned counsel for the respondents has raised a preliminary objection regarding maintainability of writ petition on the ground that petitioner has an alternative efficacious remedy available in the form of appeal under the RTI Act.

18. This Court is conscious of the settled principle that where an efficacious statutory remedy is available, writ jurisdiction under Article 226 of the Constitution of India should ordinarily not be

exercised. However, the rule regarding exhaustion of alternative remedy is a rule of prudence and self-restraint and not one of absolute bar.

19. Present writ petition has been pending since 2023. Even the issue involved in the matter at hand is of significance as the same relates to the applicability and scope of exemption clause contained in Section 8(1)(e) of the RTI Act. Moreover, the surrounding circumstances, including the unexplained delay in communicating the decision and the absence of any discernible reasoning in impugned communication, give rise to a reasonable suspicion that the decision of respondent authority may have been influenced by considerations extraneous to the statutory scheme of the Act.

20. Having regard to these peculiar facts and circumstances, this Court is of the opinion that relegating petitioner to the appellate forum at this stage would result in unnecessary prolongation of the matter and would amount to a travesty of justice. Therefore, this Court considers it appropriate to entertain present writ petition. However, it is clarified that exercise of jurisdiction in present matter is confined to exceptional facts of the matter at hand and should not be construed as permitting routine bypassing of statutory appellate remedies provided under the RTI Act.

21. In view of the discussion made hereinabove, this Court is of the considered opinion that the reasons assigned for denying the information to petitioner cannot be sustained in the eyes of law and are contrary to the spirit and object of the RTI Act.

22. Accordingly, present writ petition is allowed. Communication dated 13.05.2023 issued by Respondent No. 3 denying the information sought by petitioner is hereby set aside.

23. Respondent No. 3 is directed to furnish information sought by petitioner in his application filed under the RTI Act within a period of four weeks from the date of receipt of a certified copy of this order, strictly in accordance with law.

24. With aforesaid directions, present writ petition stands disposed of. Stay application and all other pending applications, if any, also stand disposed of.

**(SANJEET PUROHIT),J**