

**Court No. - 1**

**Case :-** MISC. BENCH No. - 549 of 2010

**Petitioner :-** Dr. V.S. Srivastava S/O Late Hari Saran

**Respondent :-** State Information Commission Thru Secy. & Ors.

**Petitioner Counsel :-** Rajesh Kumar Singh

**Respondent Counsel :-** D.K. Upadhyaya

**Hon'ble Pradeep Kant,J.**

**Hon'ble Ritu Raj Awasthi,J.**

Heard learned counsel for the petitioner Sri Rajesh Kumar Singh and Sri Shobhit Mohan Shukla, learned counsel appearing for the L.D.A.

The petitioner had applied for information under Right to Information Act to know that under what authority and law allegedly the wall in question was taken as unauthorized and, therefore, demolished. The L.D.A. stated that the Lucknow Nagar Nigam has demolished the wall as it was included in the roaster of the Nagar Nigam for the purpose, whereas the Nagar Nigam stated that it was on the request of L.D.A. that the encroachment made on the *Nali*, has been removed. This encroachment was removed under the supervision of Junior Engineer of the L.D.A.

The petitioner did not feel satisfy with the aforesaid information given, as according to him, it was contradictory information and was not correct. He, therefore, filed an appeal before the State Information Commissioner. The Information Commissioner has found that necessary information, as required, has been given and if the applicant wants any other information/compensation, then he can approach the appropriate court.

We have seen the application on which the information was sought for by the petitioner and the information given. It appears to be a case of encroachment which was included in the roaster for demolition of the Nagar Nigam after identifying the wall which was allegedly constructed over the *Nali*. It further appears that a joint effort was made by the Nagar Nigam and L.D.A. and the wall in question was demolished and, therefore, it has been rightly said by the Information Commissioner that necessary information has been supplied to the petitioner and if the petitioner is aggrieved and still dissatisfied with the information given, he has liberty to take recourse to any appropriate legal procedure in the appropriate forum.

The plea of the petitioner that under what authority or rule, the wall in

question has been demolished, is not an information which can normally be asked for under the Right to Information Act, as these are the questions to be looked into by the competent Court.

The writ petition, being no force, is dismissed.

**Order Date :-** 27.1.2010

Arjun