

Roop Rani Vs. Mcd and anr

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Court : Delhi

Decided On : Aug-10-2011

Judge : Rajiv Sahai Endlaw, J.

Acts : [Right to Information Act \(RTI\), 2005](#) - Sections 10, 8(1)(j)

Appeal No. : W.P.(C) 5715/2011 & CM No.11663/2011

Appellant : Roop Rani

Respondent : Mcd and anr

Advocate for Def. : Mr. Dev P. Bhardwaj, Adv.

Advocate for Pet/Ap. : Mr. M.K. Sharma, Adv.

Judgement :

1. The petition impugns the order dated 21 st July, 2011 of the Central Information Commission (CIC) allowing the appeal of one Mr. Mohinder Kumar Mehra and directing the PIO of the respondent MCD to provide attested copies of the plans of all the floors of property No.D-4, Lajpat Nagar-II, New Delhi to the said Mr. Mohinder Kumar Mehra after blanking out the internal walls under Section 10 of the Right to Information Act, 2005.

2. The petitioner has not chosen to implead the said Mr. Mohinder Kumar Mehra as a party to this writ petition. On enquiry, the counsel for the petitioner states that

since the grievance of the petitioner is against the order directing the MCD, Mr. Mohinder Kumar Mehra is not a necessary party.

3. The said attitude and conduct of the petitioner has but to be deprecated. The petitioner is seeking a walkover without impleading the party interested in contesting the claim of the petitioner before this Court.

4. Be that as it may, the relationship of the said Mr. Mohinder Kumar Mehra with the petitioner has been enquired into. It is informed that the said Mr. Mohinder Kumar Mehra is the son of the petitioner.

5. It has further been enquired as to whether there are any legal proceedings between the petitioner and the said Mr. Mohinder Kumar Mehra. The counsel states that Mr. Mohinder Kumar Mehra has filed a suit for partition of the property No.D-4, Lajpat Nagar, New Delhi and which is pending adjudication. He also admits that Mr. Mohinder Kumar Mehra is in possession of a part of the property, though it is claimed that he has trespassed into the same and a criminal case in that regard is also pending. It is generally stated that a number of other proceedings between the petitioner and the said Mr. Mohinder Kumar Mehra are also pending.

6. The counsel for the petitioner has urged that the site plan is personal information of the petitioner within the meaning of Section 8(1)(j) of the RTI Act and is thus exempt from disclosure. On enquiry, what is personal about the said site plan, the counsel for the petitioner states that Mr. Mohinder Kumar Mehra with the knowledge of the layout of the house may enter the house and cause injury and hurt the petitioner as he has already done in the past.

7. The CIC having directed the supply of the plans only after blanking out the internal walls, such apprehensions of the petitioner are without any basis. Even otherwise, it is highly doubtful that a son would not know the layout of the house of his mother.

8. I may at this stage notice that the petitioner has participated at all stages of the proceedings i.e. before the PIO, First Appellate Authority as well as the CIC and

as such it cannot be said that the third party procedure was required to be followed inasmuch as the objections of the petitioner to the disclosure / information sought have already been dealt with by the authorities concerned.

9. The Division Bench of this Court in judgment dated 1 st August, 2011 in LPA No.145/2011 titled Delhi Metro Rail Corporation Ltd. v. Sudhir Vohra has directed disclosure of such drawings.

10. No error is therefore found in the order of the CIC. There is no merit in the petition. The same is dismissed. No order as to costs. CM No.11664/2011 (u/S 151 CPC for exemption)

Allowed, subject to just exceptions.

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