

Manoj Kumar Gupta vs Commissioner Of Police Delhi on 11 May, 2023

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 6172/2023 & CM APPL. 24273/2023

MANOJ KUMAR GUPTA

Through: Petitioner in person.
versus

COMMISSIONER OF POLICE DELHI

Through: Mr. Shiven Varma, Advoc
GNCTD. (M: 9810768282)
Mr. Udit Malik, ASC for
Mr. Vishal Chanda, Advoc
9999975448)

CORAM:

JUSTICE PRATHIBA M. SINGH
ORDER

% 11.05.2023

1. This hearing has been done through hybrid mode. CM APPL. 24273/2023 (for exemption)
2. Allowed, subject to all just exceptions. Application is disposed of. W.P.(C) 6172/2023
3. The relief sought by the Petitioner in the present petition is for providing information in respect of the RTI applications filed by the Petitioner dated 17th January, 2023, 26th February, 2023 and 6th March, 2023 with further directions to the Respondent- Delhi Police for preservation CCTV footage and information sought in the RTI application dated 17th January, 2023.
4. It is the case of the Petitioner that he had filed various RTI applications with the Respondent seeking CCTV footage of certain areas, documents, etc which are stated to be related to investigation being carried out by the Respondent in a case. As per the Petitioner, the RTI applications of the Petitioner have been rejected by the Respondent and information sought is not being provided. The Petitioner is also stated to have approached the First Appellate Authority, however, to no avail.
5. Ld. Counsel for the Respondent, upon obtaining instructions, has placed before the Court photographs of the Petitioner using Tata Tigor car bearing registration no. DL 1C AB 5539 which bears a red beacon light and stickers such as "Government of India, Ministry of Power and Energy".

6. Ld. counsel submits that the Petitioner's vehicle, initially, was impounded and thereafter released on superdari. An FIR has also been registered against the Petitioner due to use of red beacon and in respect of 'Government of India' stickers.

7. The Investigating Officer (IO) who is present in Court submits that the Petitioner is also seeking release of the case property i.e., the red beacon from the Trial Court.

8. On a query from the Court as to why the Petitioner is using the red beacon, the Petitioner, who is appearing in person, submits that he is a Government of India employee and some friends of his use his car. Upon further query, the Petitioner submits that his friend Mr. Sanjeev Kumar @ Sanjeev, working in the Ministry of Power and Energy uses his vehicle. The IO rebuts this contention and submits that as per the letter of the Ministry of Power and Energy, no such person works in the said Ministry. It is further submitted that the Petitioner works with the DMRC and is not entitled to use the red beacon or try to mislead that he works with the Ministry of the Government of India.

9. The Court has perused the pictures handed over, which are as under:

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10. The RTI Act, 2005 provides the remedies of appeal against the orders passed by the CPIO or First Appellate Authority. Thus, the Petitioner has an alternate efficacious remedy under the statute. Recently, the Supreme Court in *South Indian Bank v. Naveen Mathew Philip* [SLP(C) Nos.22021-22022 of 2022, date of decision 17th April, 2023] has observed that High Courts should be circumspect in exercising power under Article 226 where alternative efficacious remedy exists. Moreover, the conduct of the Petitioner also does not inspire confidence as it appears that the Petitioner does not deny about the use of the red beacon on the car.

11. Under these circumstances, this Court is not inclined to entertain the writ for disclosure of information.

12. The Petitioner is left to avail of his remedies in accordance with law.

13. The petition, along with all pending applications, is disposed of.

PRATHIBA M. SINGH, J.

MAY 11, 2023 dj/sk