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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3319/2026**

Date of Decision: **16.03.2026**

**IN THE MATTER OF:**

PREM PRAKASH SHOKEEN

.....Petitioner

Through: Mr. Puneet Singh Bindra with Mr. Vivek Kadyan, Ms. Charu Modi, Mr. Devang Gupta, Ms. Nidhi, Mr. Ikjot Gaba, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through:

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**JUDGEMENT**

**PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The instant petition is for the following reliefs:-

*“a) Issue a writ of certiorari or any other appropriate writ, order or direction quashing the order dated 18.11.2025 passed by the Central Information Commission in File No. CIC / REVDP /A / 2024 / 116328, as being arbitrary, non-speaking, and contrary to the provisions of the RTI Act;*

*b) Issue a writ of mandamus directing Respondent Nos. 2 to 4 to permit the Petitioner to inspect the complete files, notings, and correspondence concerning the implementation of the Svamitva Yojana Scheme in Delhi,*



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*as referred to in the Petitioner's RTI application dated 03.10.2023, within a time bound period, and to supply certified copies of documents identified by the Petitioner during such inspection, free of cost;*

*c) Quash and set aside the order dated 19.04.2024 passed by the First Appellate Authority, Revenue Department, GNCTD, and the reply dated 07.11.2023 issued by the PIO, Revenue Department (Land Branch), to the extent they deny information to the Petitioner by invoking section 7(9) of the RTI Act;*

*d) Direct the Respondents to disclose at least a status note and reasons recorded in official files regarding non-implementation or delay in implementation of Svamitva Yojana in Delhi, subject only to legitimate exemptions under sections 8 and 9 of the RTI Act, if any, with reasons recorded in writing for any redactions;*

*e) Grant appropriate compensation to the Petitioner under section 19 (8) (b) of the RTI Act and/or under Articles 226/32 of the Constitution for harassment, mental agony, time and expense incurred due to prolonged and unjustified denial of information, and direct that the said compensation and costs be recovered from the erring officers personally.*

*f) Direct issuance of appropriate directions/circulars to PIOs, FAAs and departments under the GNCTD emphasizing (i) correct interpretation of section 7 (9) of the RTI Act , (ii) the duty under sections 4 and 25 of the RTI Act to proactively disclose and monitor information, and (iii) special care and facilitation in dealing with RTI applications and appeals filed by senior citizens;*

*g) Pending disposal of the petition, direct Respondent Nos. 2 to 4 to preserve all files and records concerning the implementation of Svamitva Yojana in Delhi and specifically those covered by the RTI dated 03.10.2023;*

*h) Award costs of the present petition in favour of the Petitioner and against the Respondents; and*

*i) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice."*

2. The facts of the case would indicate that the petitioner submitted an Right to Information (RTI) application to PIO, Office of Chief Secretary,



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GNCTD on 03.10.2023. *Vide* the said application, following information has been sought:

*"I would like to request information under the Right to Information Act regarding the efforts made by the Delhi Government to implement the 'Svमित्वा Yojana Scheme', which is sponsored by the Prime Minister of the Government of India. Additionally, I am interested in understanding the current status of the implementation of this scheme. Hence, I am seeking access to the relevant correspondence files within your offices.*

*The reason for my request is the significant economic challenges faced by the residents of Delhi due to the non-implementation of this scheme.*

*In the course of reviewing the file, if necessary, I would also like to obtain copies of any pertinent correspondence contained within it. I am willing to pay any charges that may be required in accordance with the Right to Information Act."*

3. It appears that on 07.11.2023, the PIO, Revenue Department (Land Branch) issued a reply stating that the information regarding *Svमित्वा Yojana* is a "policy matter" and cannot be provided at that stage under Section 7(9) of the Right to Information Act, 2005 ('RTI Act'). It, however, be noted that neither any exemption under Sections 8 or 9 of the RTI Act was invoked nor was any option of inspection was offered.

4. For the sake of clarity Section 7(9) of the RTI Act is extracted as under:-

"7. ....

.....

*(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question."*

5. It is, thus, seen that ordinarily, the information is to be provided in the form in which it is sought unless, it would disproportionately divert the resources of the public authority or would be detrimental to the safety or



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preservation of the record in question. It would thus appear that Section 7(9) of the RTI Act has wrongly been invoked by respondent-authority. Unfortunately, the First Appellate Authority, as well as, the Second Appellate Authority have also lost sight of the aforesaid provision.

6. The respondent-authority under sub-section 9 of Section 7 of the RTI Act is not empowered to deny any information. In fact, sub-section 9 of Section 7 of the RTI Act empowers the respondent-authority either to provide the information in the form, in which it is sought or to furnish the same, in any other manner.

7. The exemption from disclosure of the information is envisaged under Section 8 of the RTI Act and the said Section has not been invoked in the instant case.

8. For all the aforesaid reasons, the Court finds that the orders passed by the original authority, First Appellate Authority as well as the Second Appellate Authority, deserve to be set aside. Accordingly, the same are set aside.

9. The matter is directed to be remitted back to the original authority i.e. PIO before whom the application dated 03.10.2023 was filed, for its fresh disposal in accordance with law.

10. With the aforesaid observations, the instant petition stands disposed of.

**PURUSHAINDRA KUMAR KAURAV, J**

**MARCH 16, 2026**

*Nc*