

Court No. - 1

Case :- MISC. BENCH No. - 2353 of 2021

Petitioner :- Tanvi Jain

Respondent :- U.O.I.Thru Secy. Finance Ministry Newdelhi & Ors.

Counsel for Petitioner :- Sachin Kumar Pandey, Shivendra Shivam Singh Ra

Counsel for Respondent :- A.S.G., Manish Misra, Pranendra Mirdha

Hon'ble Ritu Raj Awasthi, J.

Hon'ble Mrs. Saroj Yadav, J.

Heard Sri Shivendra Shivam Singh Rathore, learned Counsel for the petitioner, Sri S. B. Pandey, learned Assistant Solicitor General of India assisted by Sri Varun Pandey, learned counsel for opposite party No.1 and Sri Manish Mishra, learned Counsel for respondent Nos.2, 3 and 4.

In view of the order proposed to be passed in this writ petition, issuance of notice to opposite party No.5 is dispensed with.

The writ petition has been filed seeking following reliefs:-

"(I) To issue a writ, order, or direction in the nature of Mandamus, commanding the Respondent no.1 to 4 to conduct a departmental inquiry against the Respondent No.05 so as to find out who and how accessed the IT returns of the petitioner as this is a very serious matter of infringement of right to privacy and data security.

(II) To issue a writ, order or direction in the nature of mandamus, commanding the Respondent No.01, 02, 03, 04 to initiate criminal prosecution against the Respondent No.05 for acting in excess of his powers for illegal gratification in kind.

(III) To issue direction to respondent no. 05 to compensate the petitioner for her rights being infringed by the public display of her personal information causing breach of privacy.

(IV) To issue any other writ, order, or direction, which this Hon'ble Court may deem just and proper in the facts and circumstances of the case; and

(V) to allow the writ petition with cost."

Learned counsel for the petitioner submits that there is a matrimonial dispute between the petitioner and opposite party No.5, who is Assistant Commissioner,

Income Tax, posted at Mumbai. It is submitted that taking advantage of his position, opposite party No.5 has obtained certain documents filed by the petitioner with her income-tax return and these documents have been misused to file them before different Courts and before different authorities. It is also submitted that the information given by a person in his income-tax return is a confidential information and cannot be made public without the consent of the assessee. It is also submitted that it violates the right of privacy as well as the fundamental right under Article 21 of the Constitution of India.

Learned Assistant Solicitor General of India appearing for opposite party No.1 points out that disciplinary proceedings have already been initiated against opposite party No.5 which is evident from perusal of her own representation (Annexure - 6 to the writ petition).

Be that as it may, we are of the considered view that the grievance of the petitioner can very well be looked into by the higher authorities of opposite party No.5. The petitioner would be at liberty to raise her grievance by way of a representation before the Principal Chief Commissioner, Income Tax, Mumbai Zone, Mumbai/opposite party No.4 within a period of ten days from today. In case, such representation is moved, it is expected that the opposite party No.4 will look into the matter and do the needful in accordance with law, expeditiously.

With these observations, the writ petition is finally ***disposed of***.

Order Date :- 28.1.2021
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