

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No.463 of 2019

SmtYumkhaibam (O) Thoibi Devi ... Petitioner

-Versus-

State of Manipur & 3 Ors ... Respondents

**BEFORE
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**
31.3.2026

O R D E R (ORAL)

1. Heard Ms.L.Sillori, learned counsel for the petitioner (appointed by High Court Legal Service Committee) and Mr.S.Niranjan, learned Government Advocate, for the State respondents.

2. The petitioner filed an RTI application dated 26.10.2018 under RTI Act 2005 to the Deputy Commissioner/SPIO, Imphal West District, with respect to Mutation Case No.99 of 2018 of the SDC, Konthoujam. The queries are reproduced below:

"1. Petitions filed by Pukhrambam (O) Sunibala Devi for mutation.

2. Photocopy of duly filled up application form for Mutation (MLR Form no.16).

3. Other documents required in connection with the establishment of this Mutation case.

4. Name of the leading Newspaper and date of publication of the same mentioned in the Mutation order. A copy of the newspaper.

5. Photocopy of the New petition filed by Pukhrambam Angoubi Devi stated in the Mutation Order.

6. Photocopy of order sheet.

And

7. Chronologically ordered list of Sub Deputy Collectors of Konthoujam from the year 2000 and their address."

3. Even though the application was dated 26.10.2018, the same was received by the office of the D.C, Imphal West on 29.10.2018 vide R.R.No.1890. Thereafter, Sub Deputy Collector, HQ Patsoi, furnished information to the petitioner vide letter dated 26.11.2018. As per the letter dated 26.11.2018, the information with respect to query Nos.1, 2, 3 & 6 were furnished; 4 and 5 were not available with the office; and with respect to query No.7, it was informed to be sought from the Secretariat, Revenue Department. Thereafter, not satisfied by the reply dated 26.11.2018, the petitioner filed complaint being Complaint Case No.6 of 2018 before the Manipur Information Commission, under Section 18 of the RTI Act for furnishing false and misleading unjustified information.

4. Vide order dated 22.1.2019 passed by the Manipur Information Commission, the complaint case was closed with the observation that informations in possession of the SPIO had already been furnished to the applicant/petitioner and for the delay in transferring application for question No.7, the Commission made warning to the SDC, Konthoujam for not transferring application to the concerned authority. The petitioner also filed rejoinder dated 7.1.2019 before the Manipur Information Commission in Complaint Case No.6 of 2018. Thereafter, treating the rejoinder dated 7.1.2019 in the complaint case as first appeal, petitioner filed second appeal dated 11.3.2019 before the Commission under Section 19 of the RTI

Act. Vide letter dated 13.3.2019, the Deputy Registrar, Judl-II, Manipur Information Commission, informed the petitioner that appeal Case No.18 of 2019 has been disposed of on 13.3.2019 as the Commission cannot entertain repetitive RTI queries. Being aggrieved, petitioner approached this Court by way of the present writ petition.

The prayer in the writ petition after amendment, is reproduced below:

- "i) to admit this petition for hearing;
- ii) after hearing the parties, to issue a writ in the nature of Manadamus for directing the respondents to take immediate steps for providing the correct information along with the documents sought for by the petitioner by her RTI application dated 26.10.2018 (Annexure A/1);
- ii (a) to quash and set aside impugned order dated 13.3.2019 passed by the Manipur Information Commission in its second appeal No.18 of 2019 (Annexure A/8) and direct the same commission to dispose the Second Appeal on merits.
- ii (b) to direct the First Appellate authority to register the First Appeal dated 7.2.2019 filed by the petitioner and consider the same on merits.
- iii) to pass any other further writ/order/direction as may deem fit and appropriate in the nature of the case for the ends of justice."

5. On perusal of the original and amended prayers of the petition it is seen that petitioner prays for directions to the respondents to supply/furnish information in terms off RTI application dated 26.10.2018; to set aside order dated 13.3.2019 of the Commission, not entertaining the repetitive application; and to direct the first appellate authority to register first appeal dated 7.2.2019.

6. Mr.S.Niranjan, learned Government Advocate submits that the writ petition is not maintainable in the present form as the information sought for by the RTI application dated 26.10.2018 has already been given and the allegation of providing wrong information by the office of the SPIO is not made out. For the information not in possession of the SPIO, the authority cannot be compelled to provide the information or documents to the applicant.

7. It is also stated that complaint case No.6 of 2018 filed before the Manipur Information Commission does not disclose the details and nature of misleading and false information.

8. This Court has perused the materials on record. In response the RTI application dated 26.10.2018, the SPIO has already furnished information by letter dated 26.11.2018 for four queries; information was not available with the office of the SPIO for two queries and regarding query No.7, same was directed to be sought from the office of the Secretariat.

9. This Court is of the view that information was furnished within time. However, with respect to query No.7 there is a duty on the part of the SPIO to refer the same to the concerned authority and delay in referring query No.7 has been discussed by the Manipur Information Commission in order dated 22.1.2019 and authority has been advised not to repeat the same in future.

10. Regarding application filed as first appeal, this Court is of the view that rejoinder to the complaint case No.6 of 2018 pending before the Chief Information Commission filed by the petitioner, cannot be treated as first appeal before the first appellate authority. Since there is no first appeal against the information given by the SPIO, the question of existence of second appeal also does not arise.

11. This Court does not find any irregularity in the orders dated 22.1.2019 and 13.3.2019 passed by the Commission and information furnished by SPIO to the petitioner vide letter dated 26.11.2018.

12. In the circumstance, writ petition is dismissed. This Court refrains from passing any order as to cost, keeping in mind the status of the petitioner being a woman approaching for justice through legal aid.

JUDGE

Priyojit

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