



CGHC010367892023

2026:CGHC:39166
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4820 of 2023

Jayram Yadav Posted As Secretary Of Gram Panchayat Choriya,
Janpad Panchayat Or Blcok Bamnhidih, District : Janjgir-Champa,
Chhattisgarh

... Petitioner(s)

versus

- 1 - State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya Naya Raipur Chhattisgarh.**
- 2 - Chhattisgarh State Information Commission, Sector-19, North Block, Naya Riapur Atal Nagar, Chhattisgarh.**
- 3 - Chief Executive Officer, Janpad Panchayat, Bamnhidih, District : Janjgir-Champa, Chhattisgarh**
- 4 - Sharad Dewangan, Shri Ram Colony, Behind Beladula Stadium, Near Carrier School Raigarh, Chhattisgarh.**

... Respondents

(Cause title is downloaded from CIS Periphery)

For Petitioner	: Mr. Pallav Mishra, Advocate
For Chhattisgarh State Information Commission	: Mr. Shyam Sundar Lal Tekchandani, Advocate
For State	: Mr. Abhyuday Tripathi, PL

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

07.09.2026

1. The petitioner has filed the instant petitions seeking following reliefs:-

“10.1 This Hon’ble Court may kindly be pleased to allow the petition filed by the petitioner.

10.2 That, the order passed by the respondent No. 2 be quashed or set aside to the extent of the petitioner is concerned.

10.3 To order the cost of the petition.”

2. Learned counsel for the petitioner submits that the impugned order dated 02.06.2023, imposing penalty upon the petitioner under the provisions of the Right to Information Act, 2005, is legally unsustainable. It is submitted that the power to impose penalty being penal in nature, the same could not have been exercised mechanically merely on the allegation of delay or non-compliance. Learned counsel further submits that although a show cause notice was issued, the Second Appellate Authority has failed to record any specific finding that the alleged default was deliberate, wilful or actuated by mala fide intention, nor has it properly considered the explanation furnished by the petitioner or recorded any cogent reason for rejecting the same. In the absence of a finding of wilful or intentional breach and failure to establish that the petitioner acted without reasonable cause, the imposition of penalty is unwarranted in law. It is, therefore, submitted that the impugned order dated 02.06.2023 suffers from

non-application of mind and failure to satisfy the statutory requirements for exercise of penal jurisdiction and accordingly, deserves to be quashed and set aside.

3. Learned counsel appearing on behalf of the Chhattisgarh State Information Commission would submit that due compliance of the statutory requirements has been made and the petitioner was afforded adequate and effective opportunity of hearing before passing the impugned order. It is further submitted that the grounds now sought to be urged by the petitioner were never raised before the concerned authority at the appropriate stage. Having failed to raise such objections before the competent authority, the petitioner cannot be permitted to assail the impugned order on such grounds. It is, therefore, submitted that the impugned order has been passed in accordance with law and does not warrant any interference by this Court.
4. Having heard learned counsel for the parties, perused the material available on record and a principle well settled by the Hon'ble Supreme Court in the matter of **Manohar S/o Manikrao Anchule Vs. State of Maharashtra and another** reported in **(2012) 13 SCC 14**, this Court is of the considered view that the impugned order cannot be sustained in law. In the present case, there is no specific finding or material to establish that the Public Information Officer/petitioner had acted deliberately, wilfully or with mala fide intention in failing to discharge the statutory obligation under the Right to Information Act, 2005. In the absence of any such finding

establishing a deliberate or mala fide act on the part of the petitioner, the imposition of penalty cannot be sustained.

5. Consequently, the Petition is **allowed** and the impugned order dated 02.06.2023 imposing penalty on the petitioner, is hereby set-aside.

SD/-
(Amitendra Kishore Prasad)
Judge

AMIT PATEL