



CNR: KAHC010289162019

NC: 2026:KHC:40069  
WP No. 43808 of 2019

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 30<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.G.S. KAMAL**

**WRIT PETITION NO. 43808 OF 2019 (GM-RES)**

**BETWEEN:**

SRI C G RAIKAR  
S/O LATE G R RAIKAR  
AGED ABOUT 56 YEARS  
WORKING AS SENIOR SUB REGISTRAR  
OFFICE OF THE SENIOR SUB REGISTRAR  
CHAMARAJAPET  
BANGALORE - 560 018

...PETITIONER

(BY SRI. SATISH K., ADVOCATE)

**AND:**

1. THE KARNATAKA INFORMATION COMMISSION  
REPRESENTED BY ITS SECRETARY  
MAHITI SOUDHA, NO.104, 1<sup>ST</sup> FLOOR  
DEVARAJ URS ROAD,  
BEHIND K P S C OFFICE PREMISES  
OPPOSITE TO VIDHANA SOUDHA  
WEST GATE-2  
BENGALURU - 560 001
2. THE INSPECTOR GENERAL OF REGISTRATION AND  
COMMISSIONER FOR STAMPS  
8<sup>TH</sup> FLOOR, KANDAYA BHAVAN  
K G ROAD  
BANGALORE - 560 009

Digitally  
signed by  
ANNAPURNA  
G  
Location: High  
Court of  
Karnataka



**NC: 2026:KHC:40069**  
**WP No. 43808 of 2019**

**CNR: KAHC010289162019**

3. THE DISTRICT REGISTRAR  
NO.4, 3<sup>RD</sup> FLOOR, 10<sup>TH</sup> A MAIN ROAD  
JAYANAGAR 4<sup>TH</sup> BLOCK  
BANGALORE - 560 011
4. THE ADDITIONAL DIRECTOR GENERAL OF POLICE  
ANTI-CORRUPTION BUREAU  
KHANIJA BHAVAN, RACE COURSE ROAD  
BANGALORE - 560 001
5. SRI A VASIGARAN  
FATHERS NAME NOT KNOWN TO THE PETITIONER  
MAJOR  
NO.11A, SHANTHI ILLAM  
2ND CROSS, B BELT, SERVICE STATION ROAD  
RAMAMURTHY NAGAR  
BANGALORE - 560 016

...RESPONDENTS

(BY SRI. RAJASHEKHAR K., ADVOCATE FOR R1  
SRI. MAHANTESH SHETTAR, AGA FOR R2 AND R3  
SRI. B.B. PATIL, SPL. COUNSEL FOR R4  
SRI. SHAMANTH NAIK, ADVOCATE FOR R5)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS  
FROM THE R-1 PERTAINING TO THE IMPUGNED ORDER  
DATED 16.08.2019 (ANNX-F) QUASH THE IMPUGNED ORDER  
DATED 16.08.2019 (ANNX-F) IN SO FAR AS THE  
PETITIONER IS CONCERNED.



**CNR: KAHC010289162019**

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

**ORAL ORDER**

1. Petitioner is before this Court, being aggrieved by the order dated 16.08.2019, produced at Annexure-F, passed by respondent No.1-Commission. By the said order, respondent No.1-Commission, in exercise of its powers under Section 19(8)(a) of the Right to Information Act, 2005 (for short, "the Act"), directed the Additional Director General of Police, Anti-Corruption Bureau, Khanija Bhavan, Bangalore to investigate and initiate proceedings against the officials who had served in the Office of the Sub-Registrar, Bommanahalli, prior to 24.07.2018 and were involved in tampering with the records. Respondent No.1-Commission has further directed for submission of a compliance report on or before 25.09.2019.
2. Learned counsel for the petitioner taking this Court through the record submits that, the petitioner was



**CNR: KAHC010289162019**

working as Senior Sub-Registrar of Bommanahalli, between 30.10.2015 to 31.07.2018. Private respondent No.5 had filed an application on 05.10.2018, seeking certified copies of certain documents. By the time when the said application was made, petitioner was no more in-charge of the said office. But one Sri.B.Shivakumar - Sub-Registrar had assumed the office. That though the respondent No.5 was furnished with the information sought for, being dissatisfied, he had preferred an appeal before respondent No.3, alleging he having been furnished with the wrong document. Respondent No.3, after conducting the proceedings and hearing the parties, by Order dated 19.12.2018 held that the information as sought for by respondent No. 5 was furnished, and that if respondent No. 5 had any grievance with regard to the said information, he had to have the recourse before the competent forum.

3. Respondent No.5, being further aggrieved preferred second appeal before respondent No.1, who by the



**CNR: KAHC010289162019**

impugned order has allowed the appeal with the direction as noted above.

4. Learned counsel further submits that the tenor and nature of the direction issued by respondent No.1-Commission is outside the purview of the Act. The allegation of respondent No.5 is not with regard to he not having been furnished with the information sought for, but with regard to alleged manipulation and fabrication of the records in respect of which, information was furnished.
5. He further submits that, grievance of this nature cannot be adjudicated or adverted to under the provisions of the Act, that too by respondent No.1- Commission in an appeal. He refers to Section 18 and 19 of the Act and points out the powers and functions of the authority to submits that, the exercise of powers are confined only to the extent of providing information, delay in information or any wrong information. If there is any error breached in discharge of his duty, the respondent-authority may proceed to impose penalty and even recommend for disciplinary action.



**CNR: KAHC010289162019**

Hence, he submits the order impugned is beyond the authority and jurisdiction of respondent No.1-Commission.

6. Referring to the judgment of the Hon'ble Apex Court in the case of ***Union of India v/s Namit Sharma*** reported in ***(2013) 10 SCC 359*** he submits that, respondent No.1-Commission cannot act itself as an adjudicating authority, it can only discharge its administrative function.
7. Learned counsel appearing for respondent No.1-Commission does not dispute the factual and legal aspect of the matter. However, he submits that respondent No.1-Commission has proceeded to pass the order on the premise of respondent No.5 having been furnished false and wrong information. Furnishing of false and wrong information is a matter which falls under Section 19 of the Act and necessary order in this regard to be passed is also provided under Section 20 of the Act. Therefore, he submits no error or irregularity can be found with the order passed.
8. Heard and perused the records.



CNR: KAH010289162019

NC: 2026:KHC:40069  
WP No. 43808 of 2019

9. Respondent No.3 - First Appellate Authority, addressing the grievance of respondent No.5 has on 19.12.2018, passed the following order;

ಆದೇಶ

ಸಂಖ್ಯೆ-ಜಿನೋಬ/ಆರ್‌ಟಿಐ/ಮೇಲ್ಮನವಿ/41/2018-19

ದಿನಾಂಕ: 19-12-2018

ಪ್ರಥಮ ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರಿ ಹಾಗೂ ಜಿಲ್ಲಾನೋಂದಣಾಧಿಕಾರಿ ಜಯನಗರ ಆದ ನಾನು ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ 2005ರ ಕಲಂ 19(1) ರಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದ ಮೇರೆಗೆ ಸದರಿ ಮಾಹಿತಿ ಹಕ್ಕು ಮೇಲ್ಮನವಿ ಪ್ರಕರಣದ ಕುರಿತು ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿರುತ್ತೇನೆ.

ಮೇಲ್ಮನವಿದಾರರು ಕೋರಿರುವ ಮಾಹಿತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪ್ರತಿವಾದಿಗಳು ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುವ ಮಾಹಿತಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಆದರೆ ಆ ಮಾಹಿತಿಯು ಅಂದರೆ ಹೆಚ್ಚೆಣ್ಣಿನ ವಹಿಯಲ್ಲಿನ ಹೆಸರುಗಳು ದಸ್ತಾವೇಜಿನಲ್ಲಿ ನೀಡಿರುವ ಹೆಸರುಗಳಿಗೆ ತಾಳೆ ಆಗುತ್ತಿಲ್ಲ ಎಂದು ಮೇಲ್ಮನವಿದಾರರು ಆಕ್ಷೇಪಣೆ ಎತ್ತಿದ್ದರಿಂದ ಮತ್ತೊಮ್ಮೆ ಉಭಯತ್ರರಿಗೂ ಒಂದು ವಾರದ ಸಮಯ ನೀಡಿ ಮತ್ತೊಮ್ಮೆ ಪ್ರಕರಣದ ವಿಚಾರಣೆ ನಡೆಸಿದಾಗ ಮಾಹಿತಿ ಅಧಿಕಾರಿಗಳು ಪುನರುಚ್ಚರಿಸಿ ತಾವುಗಳು ಲಭ್ಯವಿರುವ ಮಾಹಿತಿ ನೀಡಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಮತ್ತು ಮೇಲ್ಮನವಿದಾರರು ಮತ್ತೆ ಆಕ್ಷೇಪಿಸಿರುತ್ತಾರೆ. ಈ ಹಂತದಲ್ಲಿ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಯಡಿ ಮಾಹಿತಿ ನೀಡಿರುವುದರಿಂದ ಮೇಲ್ಮನವಿದಾರರು ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸೂಕ್ತ ಪ್ರಾಧಿಕಾರದಲ್ಲಿ ಸೂಕ್ತ ನಿಯಮಾವಳಿಗಳಡಿ ಕ್ರಮ ವಹಿಸಲು ಸ್ವತಂತ್ರವಾಗಿರುತ್ತಾರೆ ಎಂದು ತಿಳಿಸುತ್ತಾ, ಪ್ರಕರಣವನ್ನು ವಿಲೇ ಮಾಡಲಾಗಿದೆ."

10. Perusal of the aforesaid order indicate that, respondent No.3 - First Appellate Authority had taken note of the grievance of respondent No.5, which is, the alleged difference between the names mentioned in thumb impression register maintained in the office of Sub-Registrar and the documents. It was not that respondent No.5 was not furnished with the information as sought for. Respondent No.3 - First Appellate Authority had therefore,



**CNR: KAHC010289162019**

relegated respondent No. 5 to seek redressal of his grievance before competent forum.

11. In the second appeal, respondent No.1-Commission by its order dated 16.08.2019 at paragraph Nos. 7, 8 and the operative portion as held as under:

*"7. The Commission observed that the Sub-Registrar and the concerned staff members manipulated and allowed the fictitious entries in the books of Registration, which strengthened the suspicion of fraud. The Commission is of the opinion that it must be the product of a criminal conspiracy brewed by some corrupt officials in the Sub-Registrar Office to illegally gratify somebody which causes irreparable damage to genuine property owners.*

*8. The Commission observed the failure on the part of the Sub-Registrar to safeguard the 'Public Records', which are handed over for the safe custody. The Registration department is the custodian of the property title records of the public. The trust level of the department will be lowered by such incidents.*

**ORDER**

*In view of the above observations, the Commission directs the Inspector General of Registration and Commissioner of Stamps, Kandaya Bhavan, Bangalore, under section 19(8)(a) of RTI Act, 2005, to conduct a detailed investigation to unearth the truth and to initiate measures to rectify the fraudulent transactions within the scope of Registration Act and to initiate disciplinary action against all concerned, who have worked prior to 24.07.2018, and who are involved for creation of fraudulent entries and also to explore the possibility of referring the books for verification of Forensic department to ascertain the Age of Ink, which was used in the fictitious entries made in the Registration Book and to submit a compliance report to the Commission.*

*The Commission also directs Shri Shankare Gowda, First Appellate Authority and District Registrar, Jayanagar District Office, 3rd Floor, Bank of India Building, 10% B Main Road, 4 Block, Jayanagar, Bangalore, under section 19(8)(a) of RTI Act, 2005, to file a criminal case against all concerned who have tried to grab the property of a genuine person, by tampering, making fraudulent transactions in the books of the Department under the provision of Karnataka State Public Record Act, 2010 and Karnataka State Public Record Rules, 2013 and to produce a copy of FIR to the Commission.*



CNR: KAHC010289162019

NC: 2026:KHC:40069  
WP No. 43808 of 2019

*The Commission directs the Additional Director General of Police, Anti Corruption Bureau, Khanija Bhavan, Bangalore under section 19(8)(a) of RTI Act, 2005, to take up the case for further investigation and to initiate appropriate legal action against the concerned Officials who have worked prior to 24.07.2018 and who are involved in tampering the documents and submit a compliance report to the Commission during the next date of hearing*

*The case is adjourned to 25.09.2019 at 11A.M."*

12. Perusal of the aforesaid order indicate that respondent No.1-Commission, has taken upon itself the responsibility of enquiring, determining and adjudicating the issue with regard to safeguard of the public records on the premise that the registration department is the custodian of the property title records of the public. He seemed to have found justification in allegations of manipulation and tampering the documents as made by private respondent No.5. This has led him to pass the order directing the Additional Director General of Police to investigate the matter and take action against all the officers who worked prior to 24.07.2018. This power has been purportedly exercised under Section 19(8)(a) of the Act.

13. Appropriate to refer to Section 18 and 19(8)(a) of the Act.

" 18. Powers and functions of Commission.

*(1)Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person,.*



**CNR: KAHC010289162019**

*(a)who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or Senior Officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;*

*(b)who has been refused access to any information requested under this Act;*

*(c)who has not been given a response to a request for information or access to information within the time limit specified under this Act;*

*(d)who has been required to pay an amount of fee which he or she considers unreasonable;*

*(e)who believes that he or she has been given incomplete, misleading or false information under this Act;and*

*(f)in respect of any other matter relating to requesting or obtaining access to records under this Act.*

*(2)Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.*

*(3)The Central Information Commission or State Information Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:*

*(a)summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;*

*(b)requiring the discovery and inspection of documents;*

*(c)receiving evidence on affidavit;*

*(d)requisitioning any public record or copies thereof from any Court or office;*

*(e)issuing summons for examination of witnesses or documents;and*

*(f)any other matter which may be prescribed.*



CNR: KAHC010289162019

**NC: 2026:KHC:40069**  
**WP No. 43808 of 2019**

*(4)Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.*

Section 19(8)(a) in The Right to Information Act, 2005

*19 (8) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—*

*(a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—*

*(i) by providing access to information, if so requested, in a particular form;*

*(ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;*

*(iii) by publishing certain information or categories of information;*

*(iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;*

*(v) by enhancing the provision of training on the right to information for its officials;*

*(vi) by providing it with an annual report in compliance with clause (b) of sub-section (i) of section 4;"*

14. Holistic reading of the aforesaid provision providing for the powers and functions of Commission as enumerated under Section 18 indicate that it confines and revolves around only with regard to furnishing or refusal to furnish the information sought for. The power of respondent No.1-Commission under Section 19(8)(a) is in furtherance to the said power and functions entrusted. The aforesaid



CNR: KAHC010289162019

NC: 2026:KHC:40069  
WP No. 43808 of 2019

provisions do not remotely suggest any power being vested with respondent No.1- Commission to take up the responsibility of ensuring maintenance of the public records and to adjudicate upon the issue involving any dispute, manipulation, fabrication of the public records.

15. The Hon'ble Apex Court in the case of ***Union of India v/s Namit Sharma*** reported in ***(2013) 10 SCC 359*** at paragraph Nos.24 and 25 has held as under:

*"24. It will be clear from the plain and simple language of Sections 18, 19 and 20 of the Act that, under Section 18 the Information Commission has the power and function to receive and inquire into a complaint from any person who is not able to secure information from a public authority; under Section 19 it decides appeals against the decisions of the Central Public Information Officer or the State Public Information Officer relating to information sought by a person; and under Section 20 it can impose a penalty only for the purpose of ensuring that the correct information is furnished to a person seeking information from a public authority. Hence, the functions of the Information Commissions are limited to ensuring that a person who has sought information from a public authority in accordance with his right to information conferred under Section 3 of the Act is not denied such information except in accordance with the provisions of the Act.*

*25. Section 2(j) defines "right to information" conferred on all citizens under Section 3 of the Act to mean the right to information accessible under the Act, "which is held by or under the control of any public authority". While deciding whether a citizen should or should not get a particular information "which is held by or under the control of any public authority", the Information Commission does not decide a dispute between two or more parties concerning their legal rights other than their right to get information in possession of a public authority. This function obviously is not a judicial function, but an administrative function conferred by the Act on the Information Commissions."*

16. Thus, from the facts narrated above and the provisions of law and the law enumerated by the Apex Court,



CNR: KAHC010289162019

NC: 2026:KHC:40069  
WP No. 43808 of 2019

respondent No.1-Commission could not have passed the impugned order as he is vested only with the administrative power and he, definitely has no power to pass order, touching upon the subject as taken note of by him in his order at paragraph Nos. 7, 8 extracted above.

17. Accordingly, the following:

**ORDER**

- (i) The writ petition is ***allowed.***
- (ii) Order dated 16.08.2019 passed by respondent No.1-Commission produced at Annexure-F is quashed.

**Sd/-  
(M.G.S. KAMAL)  
JUDGE**

SPV  
List No.: 1 Sl No.: 23