

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12867 of 2011

1. Krishna Prasad, Advocate S/O Late Dumari Sao R/O Mohalla- Jhing Nagar, P.O. & P.S.- Bihar Sharif, Distt.- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar

2. The State Information Commission Through Its State Chief Information Commissioner Suchna Bhawan, 4th Floor, Bailey Road, Patna-1

3. The State Chief Information Commissioner Suchna Bhawan, 4th Floor, Bailey Road, Patna-1

4. The Registrar, The State Information Commission Suchna Bhawan, 4th Floor, Bailey Road, Patna-1

5. The District And Sessions Judge-Cum-Appellate Authority, Civil Court, Nalanda, Bihar Sharif

6. The Public Information Officer-Cum-Sub-Judge-1, Civil Court, Bihar Sharif, Distt.- Nalanda.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra

For the Respondent/s : Mr. Nalin Viloachan Tiwary, A.C. to S.C. 28

Mrs. Binita Singh

Mr. Satyabir Bharti

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 03-11-2015

Heard Mr. Mishra for the petitioner, Mr. Satyabir Bharti

for respondent no. 5 and Mrs. Binita Singh for respondent nos. 2 and

3.

Writ petitioner sought information under the Right to Information Act, 2005 (For short “the RTI Act”) from the Public Information Officer-cum-Sub-Judge-I, Civil Court, Bihar Sharif, Nalanda. As the complete information was not provided/supplied, he filed an appeal before the District Judge-cum-Appellate Authority. An order was passed and communicated to the petitioner vide letter no. 26.6.2009 (Annexure-6) which, however, did not satisfy him and he



filed an application before the State Information Commission (for short “the Commission”) giving rise to Case No. 23367 of 2009-10 on the file of the Commission. After hearing the parties, an order contained in Memo no. 9809 dated 08.09.2009 (Annexure-8) was passed, copy whereof was communicated to the petitioner wherefrom it appears that the Commission, agreeing with the submission of the petitioner, directed the Public Information Officer to provide the requisite information. The petitioner was called upon by letter dated 9.10.2009 to deposit a sum of Rs. 2200/- for supply of the information which was deposited. In the meanwhile, the Commission by an order dated 28.10.2009, after hearing the parties, stayed the operation of the order dated 19.08.2009 on the ground stated therein. The case was fixed for further hearing on 24.11.2009 when the Commission rejected the petition for want of prosecution. Against the aforesaid order, the present writ application has been filed.

It has been submitted on behalf of the petitioner that on account of a bandh call given by a political party, the petitioner could not appear before the Commission. Explaining the aforesaid circumstance/situation, an application for recall of the said order was filed vide Annexure-16 on which no order has been passed. Referring to the pleading made in the writ petition, it has been submitted that the said application for recall has not, in fact, been entertained by the Commission.

I have heard the parties at length. The ends of justice, in the opinion of the Court, shall be sub-served if the case filed by the petitioner is heard on merit. It will cause prejudice to none. Some explanation has been furnished by the petitioner which prevented him from appearing before the Commission to prosecute his case on the date fixed.

Considering the above and keeping in view the interest of justice, the case filed by the petitioner, which stood rejected for want of prosecution, is restored on the file of the Commission for affording a fresh hearing to the parties and disposal on merit subject to deposit of a cost in the sum of Rs. 500/- (five hundred) either in the office of the respondent Commission or in the concerned Civil Court within a period of three weeks. The order dated 24.11.2009 is set aside.

The writ application is allowed in the aforesaid terms. The petitioner undertakes to produce a copy of the order along with the receipt showing deposit of the cost before the Commission within a period of four weeks enabling the Commission to consider and dispose of his application on merit in accordance with law.

(Kishore Kumar Mandal, J)

Pankaj/-

U			
---	--	--	--