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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 947 of 2012

- Vidyadhar Mishra S/o Satyadeo Mishra, aged about 68 years, R/o In front of Railway Station, Raipur, C.G.

---- Petitioner

Versus

1. Chief Information Commissioner, Chhattisgarh State Information Commission, Raipur (C.G.)
2. Collector Raipur, District Raipur, Cg
3. Public Information Officer, Diversion Branch District Office, Raipur, Cg
4. Officer On Special Duty, Land Diversion Office Collectorate Campus, Raipur Cg

---- Respondents

For Petitioner	Shri P.P. Sahu, Advocate
For Respondent/State	Shri S. Majid Ali, PL
For Respondent No.1	Shri S.S. Lal Tekchandani, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

26/10/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner is aggrieved by the order passed by the Chief Information Commissioner, Chhattisgarh on 31.01.2012, whereby his second appeal under Section 19 of the Right to Information Act, 2005 (For short ' the RTI Act') has been dismissed.

3. Learned counsel for the petitioner would submit that the petitioner had moved an application before the Collector, Raipur on 11.02.2008 for correction of map, however, when no steps were taken, the petitioner moved an application under the RTI Act seeking information as to the decision taken on his application. Instead of furnishing information about the application, the authorities under the RTI Act proceeded under assumption that the petitioner is seeking correction in map and not information.
4. The proceedings for preparation of field map is undertaken by the Revenue authorities under Section 107 of the Chhattisgarh Land Revenue Code, 1959 (for short 'CGLRC'). It provides that for Aabadi area, a field map is to be prepared and in the case of any village, if it is necessary to show separately in the map prepared, the plots occupied by the private holders, the State Government may direct the Collector to get the map so prepared or **revised**. Since preparation or revision of map, which includes correction of map, is a quasi judicial function under the CGLRC and the same is to be undertaken by registering a revenue case for decision on the application after giving opportunity of hearing to adjacent/neighbouring holders, a mere application for correction was not sufficient unless it is presented before the competent revenue officer in the manner required under the CGLRC. It appears, the petitioner having moved such an application, as if it was for an administrative decision, later on moved an application under the RTI Act seeking information about the decision taken on his application.
5. In the considered opinion of this Court, the Second Appellate Authority under the RTI Act has not committed any illegality in rejecting the

application. It will not be out of place to observe that the petitioner ought to have been taken appropriate proceeding under the CGLRC by moving appropriate application before the Jurisdictional Revenue Officer for correction of map.

6. Accordingly, the writ petition is dismissed with liberty to the petitioner to institute a revenue proceeding before the Jurisdictional Revenue Officer for correction of map under the relevant provisions of CGLRC.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

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