

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (227) No. 1032 of 2015**

1. Smt. Bulbul Agrawal W/O Shri Rohit Agrawal, Aged About 37 Years Surajmukhi 58 R.K. Nagar, Bilaspur, (Chhattisgarh)

---- **Petitioner****Versus**

1. The State Of Chhattisgarh Through The Secretary Public Information Mahanadi Bhawan, New Raipur, (Chhattisgarh)
2. The Sub Public Information Officer, Nagar Panchayat Lailunga, Distt. Raigarh, (Chhattisgarh)
3. The Public Information Officer, Nagar Panchayat Lailunga, Distt. Raigarh, (Chhattisgarh)
4. The Chhattisgarh State Information Commission, Near Ghadi Chouk, Raipur, (Chhattisgarh)

---- **Respondents**

For Petitioner	: In person.
For Respondent 1 /State	: Shri S.C. Khakharia, Dy. Advocate General on advance copy.
Other respondents not noticed.	

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**Order on Board****09/12/2015**

1. Heard on admission.
2. By filing the instant Writ Petition (227) the petitioner has prayed that the Court may under the authority vested under Article 227 of the Constitution of India may pass a writ of mandamus rejecting the order passed by the Commissioner, State Information Commission, Raipur in Second Appeal Case No.A/199/2015 dated 7.8.2015 as the impugned order is illegal and improper.
3. As per facts of the petition, the petitioner filed an application before the Public Information Officer dated 14.4.2014 for the information

sought in the application itself. On 9.6.2014, the Assistant Public Information Officer of the concerned Nagar Panchayat vide communication No. 119 gave the information available in the office and also required to deposit Rs.124/- for the above information of 61 pages. Thereafter, on 9.6.2014, the petitioner has deposited Rs. 125/- for the same. The petitioner was given 34 pages on 12.8.2014. Thereafter, the petitioner further gave an application Annexure P/4 and demanded the information sought within 3 days on 22.11.2014 (at Annexure P/5 there is overwriting for the date and same is corrected as 25.11.2014) the petitioner preferred the First Appeal before the concerned appellate authority. Thereafter, he had preferred the Second Appeal on 23.1.2015 before the Commissioner, State Information Commission, Raipur (CG). The Commissioner duly passed the impugned order dated 7.8.2015 and dismissed the Second Appeal as the same is without any foundation or authority.

4. It is submitted on behalf of the petitioner that if the Information Officer is providing information at a belated stage as the application given on 14.4.2014 for the information sought given vide memo No. 119 dated 4.6.2014 and when the fee as required was deposited on 9.6.2014, the Information Officer gave copy of the bill of 34 pages on 12.8.2014. If they are providing information lately then the question of limitation is not applicable to the petitioner. Hence, the order of the Commissioner is wrong improper and liable to be set aside, hence, it is prayed that the petition may be admitted for hearing and the relief as prayed may be granted.

5. For the purposes of appreciation made in this behalf by learned counsel for the petitioner, documents annexed along with the petition perused.

6. Even if the Public Information Officer is not providing any information within time, the legislature provided for the appeal under the relevant provisions of Section 7, and 19 of the Right to Information Act, 2005, in the considered view, this argument cannot be accepted because as per provisions of law if the Public Information Officer is not complying and providing information within time, the jurisdiction of appeal immediately arises and the affected person may without waiting for the delayed supply of the information, can straightaway prefer an appeal before the First Appellate Court and pray for adjudication of the matter.

7. As per impugned order dated 7.8.2015, if at all only 34 pages were provided to the petitioner on 12.8.2014 it was required to file a First Appeal within 30 days under the relevant provisions. The Commissioner in the impugned order duly appreciated this fact and held that if the appellant was unsatisfied with any of the information in writing provided by the Information Officer he would have filed the First Appeal within limitation. But the petitioner had preferred the First Appeal on 22.11.2014 and also as there was no any application for condonation of delay in filing the First Appeal, hence, the First Appeal itself was barred by time with no any application to condone the delay. The Commissioner in the impugned order further appreciated that no any reason for the delay is mentioned by the appellant. Thereafter, upon consideration of the entire facts, the Commissioner, State Information Commission dismissed the Second Appeal as it is without foundation and right.

8. On due consideration, I do not see any illegality or impropriety in the order passed by the Commissioner State Information Commission, Raipur dated 7.8.2015 and the same does not require any interference. The present matter is not worth for admission.
9. Consequently, the writ petition is dismissed at the motion stage itself.
10. No order as to cost.

Sd/

(Chandra Bhushan Bajpai)
JUDGE