

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.5233 of 2006

1. State of Chhattisgarh, Through Secretary, General Administration Department, D.K.S. Bhawan, Raipur (C.G.)
2. Public Information Officer, Through Secretary, General Administration Department, D.K.S. Bhawan, Raipur (C.G.)

---- Petitioners

Versus

1. State Information Commission, Through Chief Information Officer, Nirmal Chhaya Bhawan, Niradata Road, Shankar Nagar, Raipur (C.G.)
2. Dr. P. Raghvan (Retired I.A.S.), R/o 8, Maulshri Vihar, Near Babylon Hotel, Puraina, Raipur (C.G.)

---- Respondents

 For Petitioners/State: Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board20/11/2017

1. Dr. P. Raghavan – respondent No.2 herein, a retired IAS officer, then he was, filed an application seeking certain information from the petitioners. Some of the informations were supplied, whereas information relating to complaint received by the Government on Food Park to be set up at Durg District and file containing notes of different authorities were denied. Likewise, information relating to departmental promotional committee proceeding to the post of Additional Chief Secretary along with notes were also denied. Respondent No.2 straightway filed second appeal before the State Information Commission and the State Information Commission accepted that the departmental promotion committee proceeding cannot be supplied, whereas allowed the appeal to the extent of directing the State to supply information relating to complaint received by the Government on Food Park at District Durg and also the notings of different authorities suggesting actions and decisions taken from time to time against which this writ petition has been preferred.

2. Learned State counsel appearing for the petitioners submits that such information is exempted under Section 8(1)(g) of the Right to Information Act, 2005, which provides that there shall be no obligation to give any citizen, information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes. Therefore, the State Information Commission is absolutely unjustified in directing for furnishing of information.
3. None present for respondent No.2, though served.
4. I have heard learned counsel for the petitioners/State.
5. The Public Information Officer has clearly held that complaint has been received regarding Food Park to be set up at Durg and the matter is under scrutiny by the Government, therefore, the information has been denied, yet such information is exempted under Section 8(1)(g) of the Right to Information Act, 2005. It is correct to say that at that stage, the matter was under consideration and certainly that kind of information is exempted under Section 8(1)(g) of the Act, as the same would identify the source of information as to who have made complaint in the case of establishment of Food Park. Therefore, the impugned order passed by the State Information Commission to that extent is set aside.
6. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge