

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No.214 of 2015

- Ravi Shukla S/o Ramadhar Shukla Aged About 42 Years R/o In Front Of Annapurna Sweets, Pandri Chowk, Gudhiyari, Raipur, Police Station Gudhiyari, Tah. And District- Raipur, Chhattisgarh

---- **Petitioner**

Versus

- T. R. Maheswari S/o Aged About 53 Years Nayab Tahsildar, Dharsiva, Raipur, P.S. & Tah. Dharsiva, District- Raipur, Chhattisgarh

---- **Respondent**

For Petitioner	:	Shri Ravindra Sharma, Advocate
For Respondent	:	Shri Sushobhit Singh, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/04/2017

Heard.

2. This petition has been filed by the petitioner alleging willful disobedience of order dated 16-06-2014 passed by this Court in WPC No.1034/2014.

3. Learned counsel for the petitioner submits that despite categoric order passed in his favour under Right to Information Act, 2005, information was not supplied to him, then the petitioner approached this Court and this Court directed that the respondent No.3 shall ensure that necessary information is supplied to the petitioner as per the orders passed by the First and Second Appellate Authority within a period of one month from the date of receipt of copy of this order. Learned counsel for the petitioner submits that despite order, the documents relating to proceedings, which culminated into division of Khasra into different accounts, has not been supplied to the petitioner.

4. Learned counsel for respondent submits that though, there is no intention to flout the order passed by this Court, during the tenure of posting of respondent Officer as Tahsildar, Dharsiwa, it was found that those relevant documents are not traceable. It is submitted that whatever information available with respondent, have already been supplied to the petitioner and the respondent expressed his inability for supplying copy of those documents, which are not traceable.

5. Having gone through the pleadings of the parties and documents placed on record, it is found that the reason for non supplying of required information is that those records are not traceable. However, whatever information was available with the respondent, has already been supplied to the petitioner. This is reflected from memo dated 26-03-2015 (Annexure R/2) of the respondent also. In this situation, when the record itself are not traceable in the office of the respondent Officer, it cannot be said that this is an act of willful disobedience.

6. In view of foregoing, I am not inclined to proceed further in the matter. Rule is discharged. The petition is closed. It is, however, made clear that the order of the Court stands and as soon as the records are available, information has to be supplied. Not only this, appropriate disciplinary action is required to be taken by the competent authority against the custodian of the record and responsible for missing of the record. A copy of this order be sent to the Collector, Raipur for taking appropriate steps for initiation of departmental enquiry against the custodian of the records, which is said to be missing in the office of Tahsildar, Dharsiwa. If the Collector is competent to initiate departmental enquiry, he himself shall do so within a period of 60 days from the date of receipt of a copy of this order. In case, it is found that the Collector is not the competent authority, he shall forward a memo to the competent authority bringing to the notice of that authority, the order passed by this Court

regarding initiation of departmental enquiry within a period of 60 days from the date of receipt of memo.

SD/-
(**Manindra Mohan Shrivastava**)
Judge