

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 2678 of 2017

Date of decision: 14.2.2017

Ram Murti Beniwal

Petitioner

vs.

State Information Commission and ors

Respondent

Present: Mr.Kuldeep Khandelwal, Advocate.

M.M.S.BEDI,J.

The petitioner had inter alia sought information from the SPIO-cum Tehsildar, Sirsa regarding the *jhar Paidawar* and copy of map of crops of some khasra numbers. The State Information Commissioner, Haryana vide order dated 19.10.2016 while entertaining the second appeal rejected the claim on the ground that the information sought for is not available.

Counsel for the petitioner submits that there is no power with the State Commission to review its own order as in the earlier order a direction had been given for supply of the said information.

I have heard counsel for the petitioner and I am of the opinion that as per powers vested under Section 19(3) of the RTI Act, the State Information Commissioner had authority to pass the order Annexure P-8. Besides this, the information sought for i.e. copy of the map of the crop and *jhar paidawar* of some khasra numbers of the third party seems to have no relationship with public activity or public interest, despite the fact that the revenue authorities had at initial stage admitted to supply the information. Since the order Annexure P-8 has been questioned mainly on

the ground of jurisdiction, I am of the considered opinion that the impugned order does not warrant any interference.

Counsel for the petitioner has also argued that the Public Information Officer had changed his stand regarding non availability of the information for the first time in second appeal. I do not find any force in the said contention.

Counsel for the petitioner further submits that SPIO-cum-Tehsildar, Sirsa was directed to intimate the appellant in writing of non availability of the information sought for by the appellant within 10 days from the receipt of copy of the order and send compliance report.

I have also considered the said contention of counsel for the petitioner and I am of the opinion that a factual error, which is contrary to the record, could be rectified at any stage and the information, which is not available as per the record, cannot be created to be provided to the petitioner.

Dismissed.

February 14 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No