

HIGH COURT OF CHHATTISGARH, BILASPUR
WPC No.713 of 2018

Rajesh Sharma, aged about 56 years, son of Shri Raghunandan Prasad Sharma, resident of Shiv Chowk, Ramsagarpara, Near House of Naval Kishore Mishra, Post and Tahsil-Dhamtari, District Dhamtari (CG)

---- Petitioner

Versus

- 1.** Chhattisgarh State Information Ayog Raipur, through its Chief Information Commissioner, Chhattisgarh State Information Ayog Raipur, Indravati Khand, 1st Floor Shashtri Chowk, Raipur, District Raipur (CG)
- 2.** The Additional Collector cum First Appellate Authority (under Right to Information Act), Dhamtari, Distt. Dhamtari (CG)
- 3.** Sub Divisional Officer (Revenue), Cum Public Information Officer, Dhamtari, District Dhamtari (CG)
- 4.** The President, Rashtriya Gaushala Trust Samity Bindhawashini Ward Dhamtari, Distt. Dhamtari (CG)

---- Respondents

For Petitioner	:	Mr.P.K.Patel, Advocate
For Respondents No.2&3	:	Mr.Arun Sao, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/3/2018

- 1.** The Chhattisgarh State Information Commission being second appellate authority affirmed the order passed by the first appellate authority holding that respondent No.4 is not a “public authority” within the meaning of Section 2(h) of the Right to Information Act, 2005 (hereinafter called as “RTI Act”). Feeling aggrieved against that order, the present writ petition has been filed by the petitioner herein.
- 2.** Learned counsel for the petitioner would submit that the impugned order is unsustainable and bad in law.
- 3.** On the other hand, learned Deputy Advocate General for respondents No.2 and 3 would oppose the writ petition and submit that the order passed by the Chhattisgarh State Information Commission is strictly in accordance with law and no interference is called for.

4. I have heard learned counsel for the parties, perused the impugned order and other documents appended with the writ petition.

5. Public Authority has been defined in Section 2(h) of the RTI Act which provides as under:-

“2(h) “public authority” means any authority or body or information of self-government established or constituted-

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government,

and includes any-

- (i) body owned, controlled or substantially financed;
- (ii) non-Government organisation substantially financed,

directly or indirectly by funds provided by the appropriate Government;”

Respondent No.4-Trust is neither body owned or controlled or substantially financed or non-Government organisation substantially financed directly or indirectly by funds provided by the appropriate Government.

6. Thus, respondent No.4 is not a “public authority” within the meaning of Section 2(h) of the RTI Act. I do not find any illegality in the impugned order.

7. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-