

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**C.M. NOS.15232-33 OF 2018 &
CIVIL WRIT PETITION NO.16356 OF 2018
DATE OF DECISION: OCTOBER 16, 2018**

State Public Information Officer, Rewari

.....Petitioner

VERSUS

State Information Commission, Haryana and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. S. S. Mann, Sr.DAG, Haryana,
for the petitioner.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.15232 of 2018

Application is allowed as prayed for subject to all just exceptions.

C.M. No.15233 of 2018

Prayer in this application is for correction of the order dated 09.07.2018 wherein it appears that there has been a typographical error mentioning therein that costs, which have been imposed vide order dated 10.07.2017 by the Chief Information Commissioner, Haryana, be deposited.

A perusal of the record indicates that the order, which is impugned as passed by the State Information Commissioner, Haryana, is dated 24.11.2017 whereas the date has been wrongly mentioned and there is

no mention with regard to the imposition of any fine, which had to be deposited.

The present application is, therefore, allowed. The order, which is impugned, shall be read as 24.11.2017, where there is no cost required to be deposited by the petitioner.

Civil Writ Petition No.16356 of 2018

Challenge in this writ petition is to the order dated 24.11.2017 (Annexure P-2) vide which the Chief Information Commissioner, Haryana, in the second appeal preferred by Arun Roa, respondent No.2, allowed the appeal by quashing the order dated 10.07.2017 passed by the State Public Information Officer-cum-Deputy Superintendent of Police, Headquarters Rewari, whereby the SPIO had passed an order banning respondent No.2 to file any application under the Right to Information Act on the ground that the said order was never under challenge before the State Information Commission and there being no order passed by the first Appellate Authority as the first appeal was decided on 05.04.2018 i.e. subsequent to the passing of the order dated 24.11.2017, the powers exercised are not sustainable. It is, thus, submitted by counsel for the petitioner that the impugned order dated 24.11.2017 passed by the Chief Information Commissioner, Haryana, cannot sustain and deserves to be set-aside.

I have considered the submissions made by learned counsel for the petitioner and gone through the records of the case as well as the impugned order dated 24.11.2017.

On the last date of hearing, counsel for the petitioner was called upon to place on record the order dated 10.07.2017 passed by the State Public Information Officer-cum-Deputy Superintendent of Police,

Headquarters Rewari and the same has been placed on record. The said order has also been gone into by this Court.

Having considered the submissions made by counsel for the petitioner, this Court is not inclined to accept the same, although may be going strictly by the statutory provisions what has been asserted by him may be correct but the fact remains that this Court, while exercising its powers under Articles 226/227 of the Constitution of India, having gone through the order dated 10.07.2017 passed by the State Public Information Officer-cum-Deputy Superintendent of Police, Headquarters Rewari, find the same to be totally illegal and in clear violation of the provisions of the Right to Information Act. There cannot be any blanket order restraining even filing of an application under the Right to Information Act. The order, therefore, in the considered view of this Court, cannot sustain and, thus, deserves to be set-aside. It is so ordered.

Learned counsel for the petitioner has referred to order dated 24.11.2017, according to which the first Appellate Authority-cum-Deputy Superintendent of Police, Rewari, after consideration of the appeal of respondent No.2 has finally passed an order and the information, which was required to be supplied to respondent No.2, has finally been delivered by passing an order dated 25.06.2018.

In view of the above, the writ petition stands disposed of as the information stands supplied to respondent No.2.

October 16, 2018

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(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No