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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6782/2015

BHAN SINGH

..... Petitioner

Through: Mr Sushant Kumar and Mr Madhu
Gupta, Advocates.

versus

PUBLIC INFORMATION OFFICER, SUB-DIVISIONAL

MAGISTRATE MEHRAULI GNCTD, DELHI Respondent

Through: Mr Satyakam, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.08.2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“A. Set aside the impugned order dated 01.04.2015 passed by the Learned Central Information Commission in second appeal / File No. CIC/DS/A/2013/001858-SA.

B. Direct the respondent to provide the documents / information i.e. order dated 23.05.1989 passed by Shri A.S.Gaur, Tehsildar Mehrauli in case bearing No. CG 11 / 1986 along with the inspection report prepared by the Shri A.S. Gaur, Tehsildar, Mehrauli.

C. Award litigation cost to the Petitioner.

2. The petitioner has filed an application dated 02.04.2013 under the Right to Information Act, 2005 (hereafter ‘the Act’), *inter alia*, seeking a report of the Tehsildar, Mehrauli with regard to the inspection of the property (Khasra No. 351/3/1 min, Village Chirag Delhi, New Delhi-110017) stated to have been carried out on 23.09.1988. The said inspection report was not provided to the petitioner as the same is not available with the

respondent. In this context, the petitioner had filed an appeal under Section 19 of the Act before the First Appellate Authority and thereafter, escalated the matter to the Chief Information Commission (CIC) by filing a second appeal under Section 19(3) of the Act. In the aforesaid proceedings, the CIC has passed an order dated 01.04.2015 (impugned herein), the operative part of which reads as under:-

“7. The appellant wanted to know the reasons why the file is not traceable. Thus Commission directs the respondent authority to furnish the reason, circumstances behind absence of file and also explain efforts to find same within 15 days from the date of receipt of order.”

3. In view of the above, the prayer made by the petitioner for quashing the said order is clearly misconceived as it is in favour of the petitioner.

4. Insofar as the second prayer – that is, the prayer seeking direction to the respondents to provide the order dated 23.05.1989 passed by Tehsildar as well as the inspection report dated 23.09.1988 – is concerned, this Court is informed that the order dated 23.05.1989 has already been provided to the petitioner. Therefore, this prayer does not survive. The only issue that remains to be considered related to providing the inspection report which is stated to have been prepared by Tehsildar, Mehrauli on 23.09.1988.

5. Mr Satyakam, learned counsel appearing for the respondents states that despite the best efforts, the said report is not traceable.

6. In this view, the relief as sought for by the petitioner cannot be granted. However, the respondents are directed to conduct a complete inquiry to ascertain the reasons for the said record going missing. The said

inquiry shall be conducted as expeditiously as possible, preferably within a period of eight weeks from today.

7. It is clarified that in the event the respondents are successful in tracing the documents sought for by the petitioner (report of the Tehsildar dated 23.09.1988), the same would be provided to the petitioner. The respondents shall also inform the petitioners the results of the said inquiry.

8. No further orders are required to be passed in this petition and the same is disposed of.

AUGUST 30, 2018
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VIBHU BAKHRU, J