

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23242 of 2019

-
1. Tribhuvan Prasad @ Tribhuvan Prasad Yadav, son of late Arjun Singh, resident of village- Diyara, P.S.- Digha, District- Patna, presently residing at Mohalla- Yaduvansi Nagar (Akhara Road), P.S.- Digha, District- Patna.
 2. Nitya Nand Chaudhary, son of Late Harsit Narayan Chaudhary, Resident of Village- Prasandu, P.S.- Haweli Kharagpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Department of Mines and Geology, Bihar, Patna.
4. The Director, Mines and Geology, Bihar, Patna.
5. The District Magistrate, Patna.
6. The District Magistrate, Sheikhpura.
7. The Deputy Director, Mines & Geology, Patna Division, Patna.
8. The Deputy Director, Mines & Geology, Munger Division, Munger.
9. The Assistant Director, Mines & Geology, District Mining Office, Patna.
10. The Mineral Development Officer, District Mining Officer, Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA-7
For Mines Department	:	Mr. Naresh Dikshit, Advocate
		Mr. Brij Bihari Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-12-2019

Heard learned counsel for the petitioners and learned

GA-7 for the State.

2. The petitioners have moved the Court for the
following relief:

*“That this is an application for issuance
of an appropriate writ/ writ(s)/ order(s)/
direction(s) directing the respondent*



authorities to provide the information's sought for by the petitioners with respect to certain facts from the offices of District Mining Offices of Patna and Sheikhpura under the provision of Right to Information Act duly submitted along with all the requisite fees but the same have not been supplied to them and instead they have been told in written that all the information have been lost by the office with a purpose to save their skins from the illegal acts done by them and further for directing them to provide all those documents to the petitioners which are must for disclosure of the activities of those offices and further for any other relief(s) for which the petitioners may found entitled to.

3. The petitioners are aggrieved by the reply given to them under the Right to Information Act (hereinafter referred to as the 'Act'), by which the appellate authority has refused to furnish the information relating to settlement of sand ghats till the year 2014-15 on the ground that records are not available.

4. Learned counsel for the State submitted that the petitioners have remedy by way of second appeal before the State Information Commission, which the petitioners are required to exhaust. Further, it was submitted that if the records are not available, it is open to the petitioners to move under the common law with regard to the disappearance/non-location of the records, copy of which they had sought under the Act.

5. Faced with the situation, learned counsel for the



petitioners submitted that the matter be disposed off with liberty to the petitioners to take recourse to the legal provisions before the appropriate authority/forum.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioners to move before the appropriate authority/forum under the existing law/statute with regard to non-providing of the information sought by them on the ground of records having gone missing.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	

