

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4321 of 2019**

D.K. Soni S/o Late Shri Ramji Prasad Soni Aged About 42 Years
Occupation Advocate, Residence Of Banaras Road, Chathirma, Post -
Latori, Police Station Gandhii Nagar, Tahsil Ambikapur District Surguja
Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Law And
Legislative Affairs, Mantralay Mahanadi Bhawan, Nawa Raipur Atal Nagar
District Raipur Chhattisgarh
2. The State Information Commission Through Information Commissioner,
Mantralay Mahanadi Bhawan, Nawa Raipur, Atal Nagar District Raipur
Chhattisgarh
3. The First Appellate Authority Through Chief Forest Officer, Surguja Forest
Circle, Department Of Forest Ambikapur, District Surguja Chhattisgarh
4. The Public Information Officer Office Of Forest Division Officer
Department Of Forest Korea Forest Division, Baikunthpur, District Korea
Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Santosh Kumar Pandey, Advocate
For State	:	Mr. Ashutosh Mishra, PL
For Respondent/s	:	Mr. Shayam Sundar Lal Tekchandani, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/11/2019**

1. The challenge in the present writ petition is to the order Annexure P-1
dated 28.06.2019 whereby the Second Appellate Authority has rejected
the appeal preferred by the petitioner.

2. The first Appellate Court as well as the second Appellate Court has rejected the appeal of the petitioner as the same being barred by limitation.
3. Counsel for the petitioner submits that the order dated 25.09.2017 passed by Public Information Officer, Koriya Forest Division was in fact dispatched to the petitioner late and therefore the petitioner has received it late and thereafter petitioner had filed the appeal within time. Therefore, there cannot be said to be any delay on the part of the petitioner. The petitioner has supported his contentions with the copy of envelope by which the order dated 25.09.2017 was communicated to the petitioner which clearly reflects date of dispatch to be 07.10.2017 and time of dispatch also is reflected as 11:53 AM.
4. Given the said facts that order dated 25.09.2017 was dispatched to the petitioner itself late by the respondents therefore the findings given by first Appellate Authority as well as second Appellate Authority is unsustainable and two orders therefore stands set aside/quashed. Matter stands remitted back to the concerned authority to take appropriate decision ignoring the findings given by first Appellate Authority as well as by second Appellate Authority. The respondents are directed to take an early decision on the claim of the petitioner on its merit.
5. The writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit