

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4379 of 2019

1. Devashish Rai, S/o Dinobandhu Rai, Aged About 42 Years, Resident Of Pakhanjur, New Market Ward No. 15, Ambedkar Ward, Post Office-Pakhanjur, District : Kanker, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Food And Civil Supplies Department, Mahanadi Bhawan Mantralaya Atal Nagar Mantralaya Nawa Raipur, District : Raipur, Chhattisgarh
2. The State Information Commission, Sector 19, North Block Atal Nagar Nawa Raipur, District : Raipur, Chhattisgarh
3. The District Food Officer, District : North Baster Kanker, Chhattisgarh
4. The Secretary, Gram Panchayat Vanshrinagar, Post P.V. 38, District : North Baster Kanker, Chhattisgarh

-----Respondents

For Petitioner	:	Mr. D.N. Prajapati, Advocate
For State	:	Mr. V.R. Tiwari, Addl. Advocate General
For Respondents	:	Mr. Shyam Sunder Lal Tekchandani, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.12.2019

1. The present Writ Petition has been filed seeking for a direction to the Respondent No. 3 for providing information which the petitioner has sought for under the provisions of Right to Information Act, 2005 (hereinafter referred as Act, 2005).
2. Perusal of the record would show that the petitioner had approached the P.I.O and thereafter the First Appellate Authority and also the Second Appellate Authority and the Second Appellate Authority vide

his/her order dated 03.06.2019 has already held that since the first appeal itself stand decided in favour of the petitioner, the question for entertaining the second appeal does not arise and reserving the right of the petitioner to approach the First Appellate Authority for the execution of the order of the First Appellate Authority dated 15.11.2017 and thus rejected the second appeal holding it to be not maintainable.

3. The Second Appellate Authority while deciding the second appeal has clearly referred to the order of the State Government dated 22.12.2010 as to the powers which have been conferred upon the appellate authority in the event of the order passed by them not being complied-with.
4. From perusal of the record, it appears that the petitioner has subsequently also approached the First Appellate Authority vide Annexure P-5 dated 21.10.2019.
5. Given the said facts, there is already an order passed by the Second Appellate Authority dated 03.06.2019 and also the order passed by the First Appellate Authority dated 15.11.2017, this Court is of the opinion that this writ petition would not be maintainable for such relief which already stands decided in favour of the petitioner. The question of execution of the order has been provided under the provisions of the Act, 2005 and the petitioner has already preferred First Appellate Authority for the same.
6. Accordingly, the present Writ Petition stands disposed-off with a direction to the First Appellate Authority to take appropriate steps in

terms of the Act, 2005 and also the instruction of the State Government dated 22.12.2010 in this regard at the earliest, preferably within a period of 30 days from the date of receipt of copy of this Order.

7. The present Writ Petition accordingly stands disposed-off.

**Sd/-
(P. Sam Koshy)
Judge**