NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 20 of 2020

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, Panchayat and Rural Development Department, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh
2. The State Information Commission, Sector 19, North Block, Atal Nagar, Nawa Raipur, Chhattisgarh
3. The Chief Executive Officer, Janpad Panchayat, Koylibeda, District-North Bastar Kanker, Chhattisgarh
4. The Secretary, Gram Panchayat Vikaspalli, Janpad Panchayat, Koylibeda, District North Bastar Kanker, Chhattisgarh

-----Respondents

For Petitioner	:	Mr. Abhinav Shrivastava, Advocate
For State	:	Ms. Abhyunati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

07.01.2020

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 the 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. The Second Appellate Authority vide

his/her order dated 18.07.2019 has already held that since the first appeal itself stands 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 execution of the order of the First Appellate Authority dated 13.12.2017, 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 28.09.2019.

5. Given the said facts, there is already an order passed by the Second Appellate Authority dated 18.07.2019 and also the order passed by the First Appellate Authority dated 13.12.2017, 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 approached 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

Khatai