

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1948 of 2020**

Nathram Satnami S/o Late Shri Kholbehra Satnami Aged About 38 Years R/o Village - Pendri, P.S. And Tahsil - Nawagarh, Civil And Revenue District - Janjgir-Champa Chhattisgarh.

---- Petitioner**Versus**

1. Chief State Information Commissioner Chhattisgarh State Information Commission, Sector-19, North Block, Nava Raipur, Atal Nagar, Civil And Revenue District - Raipur Chhattisgarh.
2. Superintendent Of Police Janjgir, Civil And Revenue District - Janjgir-Champa Chhattisgarh.
3. Chief Executive Officer Zila Panchayat Janjgir, Civil And Revenue District - Janjgir-Champa Chhattisgarh.
4. Officer-In-Charge Police Station- Nawagarh, Civil And Revenue District - Janjgir-Champa Chhattisgarh.
5. Public Information Officer / Secretary Gram Panchayat Kera Janpad Panchayat-Nawagarh, Civil And Revenue District - Janjgir-Champa Chhattisgarh.
6. Shri Ramadeen Patel The Then Secretary Gram Panchayat Kera, Presently Posted As Secretary Gram Panchayat Podi (Racha) Janpad Panchayat Nawagarh, Civil And Revenue District - Janjgir-Champa Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ramesh Nayak, Advocate
For State	:	Mr. Mateen Siddiqui, Deputy A.G.
For Respondent No.1	:	Mr. Shyam Sunder Lal Tekchandani, Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/09/2020**

1. The grievance of the petitioner in the present writ petition is to the order passed by the respondent No.1 dated 15.05.2020. Vide the said order, the respondent No.1 has directed for an appropriate action by the respondent No.2 against the petitioner for an

alleged demand of money made by the petitioner from the respondents No.5 & 6.

2. The facts of the case is that it appears that the petitioner has approached the respondents No.5 & 6 seeking for certain information under the Right to Information Act, 2005 vide his application dated 13.11.2017. It is said that the respondent No.6 had directed the petitioner to deposit the requisite fees for providing the information so sought for. However according to the petitioner, the information was not provided to the petitioner and hence he approached the respondent No.1 under Section 18. The respondent No.1 in turn called upon the respondents No.5 & 6 on the application under Section 18 that the petitioner had filed. There the respondents No.5 & 6 then took a stand before the respondent No.1 that the petitioner has not deposited the requisite fees for collecting the documents and on the contrary the petitioner has been asking the respondents No.5 & 6 for some money for not pressing the application that he has moved before the PIA.
3. Based upon the said stand of the resp.no.5, the respondent No.1 is said to have directed the respondent No.2 to conduct an inquiry. The respondent No.2 subsequently seems to have conducted an inquiry only on the oral statement made by the interested parties and submitted a report to the respondent No.1 holding that the petitioner did in fact ask money from the respondent No.5 for not pressing the application that he had filed under the Right to Information Act. That on the report of the respondent No.2, the respondent No.1 has passed the impugned

order dated 15.05.2020 whereby on one hand, the complaint under Section 18 has been closed and on the other hand the Commission is seized of the matter for taking an appropriate decision in the light of the report submitted by the Superintendent of Police.

4. Once when an information is sought from the concerned Public Information Officer (PIO), what is immediately required is to process his application and in case if the informations are one which can be provided under the Act of 2005, the PIO should make available this information after asking the petitioner or the information seeker to deposit the requisite fees. In case if the information seeker does not turn up and deposits the requisite fees, the matter can be closed at that point awaiting the applicant to deposit the fees.
5. Similarly, when an application under Section 18 is made complaining of not providing of informations, what is expected from the Commission is to firstly ensure whether the applicant is entitled for those informations and what is the reason for not providing the said information, and if it was only for not depositing of the fees requisite, the Commission could have simply disposed of his application asking the information seeker to approach the PIO within a stipulated period for depositing the fees and for collecting the information.
6. In the instant case what reveals from the proceedings is that the PIO right from the time, the petitioner has submitted his application seeking information till he moved an application before

the Information Commission under section 18, never made any complaint against the petitioner in respect of any of his act or deed, whereby the petitioner allegedly had demanded any money from the PIO so as to withdraw the application under which the information has been sought. It is only after the Commission had drawn up a proceeding, did the PIO the respondents No.5 & 6 made a complaint against the petitioner i.e. after a considerable long period of time.

7. This Court is of the opinion that we are at a stage where everybody should be more concentrated on the speedy disposal of matter which come up before us each day. In the process, it should also be ensured that matters are not unnecessarily precipitated and it should also be borne in mind that unnecessarily further litigation also should be avoided or should not be permitted to be generated. Had the PIO at the first instance closed the matter awaiting the petitioner to deposit the fees and collect the documents things could not have taken this shape. Similarly, if the respondent No.1 also at the first instance could have disposed of the application of the petitioner directing him to approach before the PIO within a stipulated period, during which he should have collected the information on payment of requisite fees, things would have not reached to this level and this stage.
8. The State mechanism is not meant for settling of personal scores at all levels or to show the powers vested with an officer under the statute. The very purpose and object of the Act of 2005 would get defeated, if a person is not provided with the information that

he is sought for promptly and for which he is otherwise entitled for under the Act. The authority under the Act is suppose to function within the framework of the Act of 2005 and should not try to travel beyond that.

9. Keeping all these facts in mind, this Court is of the opinion that the whole dispute can be laid to rest at this juncture directing the petitioner to approach before the PIO within a period of 7 days from the date of receipt of the copy of this order, by depositing the requisite fees in the manner prescribed under the Act, thereafter the information sought for be released to the petitioner without any delay. The respondent No.1 also is directed to close the matter at this juncture and not to take any further recourse based on the report submitted by the Superintendent of Police (respondent No.2).
10. With the aforesaid observations and direction, the present writ petition stands partly allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved