

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 7215 of 2011**

Ghanshyam Sharma S/o Late Hanuman Prasad Sharma,
Aged about 32 years, R/o Ratanpur, Mahamayapara,
Ratanpur, Tahsil Kota, District Bilaspur,
Chhattisgarh.

---Petitioner

Versus

1. The State Information Commission, through State Information Commissioner, Chhattisgarh State Information Commission, Nirmal Chhaya Bhawan, Meera Detar Road, Shankar Nagar, Raipur, Distt. Raipur, Chhattisgarh.
2. Nagar Panchayat, Ratanpur, Through Chief Municipal Officer, Nagar Panchayat, Ratanpur, Distt. Bilaspur, Chhattisgarh.
3. Chief Municipal Officer-cum-First Appellate Authority, Nagar Panchayat Ratanpur, Distt. Bilaspur, Chhattisgarh.
4. Public Information Officer, Nagar Panchayat Ratanpur, Distt. Bilaspur, Chhattisgarh.
5. Buddhisagar Soni S/o Late Lakhanlal Soni R/o Ward No. 4, Ratanpur, Distt. Bilaspur, Chhattisgarh.

---Respondents

For Petitioner :- Mr. Vaibhav A. Goverdhan, Advocate

For Respondent 1 :- Mr. Shyam Sunder Lal Tekchandani,
Advocate

For Respondents 2 to 4 :- Mr. Manoj Paranjpe, Advocate

For State :- Mr. Soumya Rai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Th. Video Conferencing)

01/09/2021

1. Mr. Vaibhav A. Goverdhan, learned counsel for the petitioner, would submit that vide impugned order dated 29/06/2011 (Annexure P/1) penalty of Rs. 25,000/- has been imposed upon the petitioner which is ex-facie illegal and bad in law. He would rely upon the decision rendered by this Court in **Ghanshyam Sharma v. The State Information Commission and Others**¹ between the same parties in which penalty of Rs. 25,000/- imposed upon the petitioner has been set aside.
2. Mr. Manoj Paranjpe, learned counsel for respondents No. 2 to 4, would support the impugned order.
3. I have heard learned counsel for the parties at length.
4. The issue involved in this writ petition is no longer res integra and it has already been decided by this Court between the same parties in WPS No. 7393/2011 wherein it has been held as under in paragraphs 5, 6 and 7 :-

 "5. It is by now a settled position of law that any action which an authority intends to pass and which has an adverse civil

¹ WPS No. 7393/2011 decided on 05/07/2018

consequence, the least that is excepted is that the authority should provide a reasonable opportunity of hearing to the concerned person before he is penalized.

6. In the instant case, in spite of the fact that the respondent No.1 is a quasi judicial body and the procedure as regards the manner in which the authority have to proceed and decide is also clearly spelt out under the Right to Information Act. It was incumbent upon the respondent No.1 to ensure that the petitioner is called upon before the impugned order was passed.

7. In view of the aforesaid factual matrix of the case, this Court is of the opinion that impugned order is not sustainable and the same deserves to be and is accordingly set-aside and the matter stands remitted back to the respondent No.1 for a fresh adjudication of the appeal preferred by the respondent No.5. The respondent No.1 may issue a suitable notice to the petitioner for providing an opportunity of hearing, thereafter proceed and decide the matter by passing an appropriate order afresh."

5. In that view of the matter, since the issue involved herein is identical as in WPS No. 7393/2011, following the order passed by this Court in that matter, the impugned order is hereby set aside. However, liberty is reserved in favour of respondent No. 1 to proceed in accordance with law.

6. Accordingly, the writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet