

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.175 of 2017

- Mahendra Kumar Verma S/o Shri H. N. Verma, Aged About 53 Years
R/o North Ring Road, Kedarpur, Maharana Pratap Ward No.6,
Ambikapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, State Public Information Commission, Indrawati Khand, First Floor, Shastri Chowk, Raipur, District Raipur, Chhattisgarh
2. State Information Commission, Indrawati Khand, First Floor, Shastri Chowk, Raipur, District Raipur, Chhattisgarh,
3. First Appellate Authority, Public Information Officer (RTI Act), Labhandi, Raipur, District Raipur, Chhattisgarh
4. Public Information Officer (RTI Act), Sub Divisional Agriculture Officer, Manendragarh, District Korea, Chhattisgarh

---- Respondents

For Petitioner : Mr. Uttam Pandey, Advocate.

For State/Respondent : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13/08/2021

1. This petition has been brought being aggrieved by the order dated 03.02.2011 passed by the respondent No.2.
2. The petitioner is an employee of Agricultural Department posted at Block- Manendragarh, District- Koriya, C.G. He filed an application vide Annexure-P/2 before Respondent No.04 praying for issuance of information to him under Right to Information Act, 2005. The copies of information were not supplied to him. Petitioners preferred appeal

before the respondent No.3 vide Annexure-P/3. The appellate authority directed the respondents No.4 to supply the copies vide Annexure-P/4 dated 26.10.2009. A remainder was sent vide Annexure-P/5 dated 16.11.2009 and the second remainder was also sent vide Annexure-P/6 dated 20.11.2009. The respondent No.4 was directed to give personal appearance vide Annexure-P/7 dated 27.11.2009. The appeal was disposed off vide order dated 04.12.2009 (Annexure-P/9) by which the appellate authority directed the respondent No.4 to provide information free of cost to the petitioner but no information was supplied to the petitioner. The petitioner then preferred Second Appeal before the respondent No.2. In the proceeding before respondent No.2, the respondent No.4 gave false information that the petitioner has been provided with the copies of information he had prayed for, on that basis the impugned order was passed and the proceeding was closed and disposed off.

3. It is submitted by the learned counsel for the petitioner that the proceeding before the respondent No.2 was closed on the basis of the false information given by respondent No.4. The petitioner has till date not received any copy of information, he has prayed for. Therefore, the impugned order is unsustainable.
4. Learned State counsel appearing for the respondents side opposes the submissions and submits that the order sheet of the proceeding before the respondent No.2 dated 03.02.2011 clearly mentions that the copies of information have been supplied to the petitioner.
5. Considered on the submissions. The order sheet dated 03.02.2011 although mentions about the presence of the petitioner and the representatives of the respondent No.4 and it mentions that the representative of respondent No.4 informed the respondent No.2 that

the copies of the information have been provided to the petitioner. The learned Commission/respondent No.2 did not make any verification regarding supply of copies of information to the petitioner. Although, it is mentioned that the petitioner acknowledged that he has received the information, but in the present petition, it is submitted from the petitioner side that no information have been supplied so far.

6. After considering on the submissions, the petition is disposed off at the motion stage. The impugned order dated 03.02.2011 passed by respondent No.2 is set aside. The Appeal Case before the respondent No.2 is remanded with a direction to make verification regarding the supply of the information and also verify regarding the correctness of the information given by the respondent No.4 and pass orders in accordance with law.

7. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge