

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.32732 OF 2022

Subash Chandra Panda

....

Petitioner

Mr. Sambeet Pattanayak, Advocate

-versus-

State Information Commission,

....

Opp. Parties

Odisha and others

Mr. B.K. Dash, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

20.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Order dated 4th August, 2022 passed by the State Information Commission in Second Appeal No. 508 of 2018 is under challenge in this writ petition, whereby the appeal was disposed of with closure of the proceedings.
3. Mr. Pattanayak, learned counsel for the Petitioner submits that learned Commission disposed of the second appeal on an affidavit filed by the Public Information Officer (P.I.O.) stating that the records are missing and not available in the record room. It is his submission that the affidavit filed by the P.I.O. was not correct and he has submitted false information before learned Commission basing upon which the impugned order has been passed. Hence, he prays for setting aside the impugned order and to direct the P.I.O. to provide information sought for by him.
4. Considering the submission made by learned counsel for the Petitioner and on perusal of the record, it appears that the

Petitioner made an application in Form-A on 15th May, 2017 before the P.I.O., Kanas Tahasil seeking copy of the order sheet and R.I. report etc. in respect of mutation case records of the said Tahasil. The P.I.O. responded the same on 16th June, 2017 intimating that the Dealing Assistant, who was in-charge of the records, had not handed over the same for which there may be delay in supply of the information. Being not satisfied with the reply of P.I.O., the Petitioner preferred an appeal before the first appellate authority on 31st October, 2017. But the first appellate authority did not pass any order within the statutory period. Hence, the Petitioner filed second appeal on 22nd February, 2018 before the State Information Commission. The P.I.O. has stated before learned Commission that the concerned mutation case records are missing and not available in the record room. All the Dealing Assistants, who were in-charge of the record room, have been asked to explain the matter and it is ascertained that one Biranchi Narayan Mohapatra, who is dead now, had not handed over the case records. He was in-charge of the Record Room till 28th July, 2014. Considering such submission, learned Commission disposed of the second appeal taking into consideration the provision under Section 6 of the Right to Information Act, 2005.

5. In view of the above, the submission of Mr. Pattanayak, learned counsel for the Petitioner to the effect that P.I.O. had filed a false affidavit before learned Commission cannot be considered in a writ petition under Article 227 of the Constitution of India.

6. Accordingly, this writ petition is disposed of with an observation that the Petitioner may work out his remedy as may be available under law.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks

