

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.8286 of 2015 (O&M)
Date of Decision: 17.05.2022**

Kuldip Kumar

..... Petitioner

Versus

Central Information Commission, New Delhi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ashok Gupta, Advocate for the petitioner.

None for respondent No.1.

Mr. Ashok Kumar Sehrawat, D.A.G., Haryana
for respondent Nos.2 to 4.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the
Constitution with following prayer:-

- (i) to issue a writ in the nature of certiorari for quashing the impugned order dated 29.01.2015 (P-10) and mandamus or any other writ or direction to the respondents to decide the Appeal of the petitioner.*
- (ii) to issue any other writ, order or direction, which this Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the respondents.*

(2) Facts are not in dispute.

(3) Briefly stated, petitioner submitted request dated 15.06.2012 (P-1)

before District Revenue Officer-cum-State Public Information Officer, Yamuna

Nagar (*for short 'SPIO'*) seeking certain information under Section 6 of the Right to Information Act, 2005 (*for short 'Act'*) and relevant part of the same is extracted as under:-

"It is requested that the applicant Rajiv Kumar s/o Sh. Som Parkash resident of Radaur had given an application to the Hon'ble Naib Tehsildar Radaur for the demarcation of the land comprised in Khasra Nos.1782/1783 situated in village Radaur. On the basis of this application, the Hon'ble Naib Tehsildar issued information notice on 6.6.2012. So, I received information through Chowkidar Barkha Ram. Copy of the information is enclosed herewith this application.

Hence, I be given the copy of the application filed by the applicant Rajiv Kumar s/o Sh. Sm Parkash resident of Radaur for demarcation."

The SPIO vide letter dated 27.06.2012 responded that requisite information has already been supplied to the petitioner vide Memo dated 22.06.2012 by Naib Tehsildar, Radaur and thus closed the matter.

(4) Aggrieved against the above response, petitioner preferred an appeal before the First Appellate Authority-cum-Deputy Commissioner, Yamuna Nagar on 13.08.2012 and which was disposed off vide order dated 04.10.2012 with the observation that in case the petitioner is not satisfied by the information supplied to him, he can inspect the record in the Office of Naib Tehsildar, Radaur on any working day.

Still dis-satisfied, petitioner preferred second appeal before the State Information Commission, Haryana (*for short 'State Commission'*) on 28.01.2013 and which was disposed off on 09.04.2013 with the following directions:-

- (i) *The Naib Tehsildar was directed to provide certified copy during the hearing to the appellant and he had done so before the Commission, hence information stands furnished.*
- (ii) *The Deputy Commissioner, Yamuna Nagar shall seek explanation of the Naib Tehsildar, Radaur for furnishing contradictory information and withholding information with Naib Tehsildar and take necessary action.*
- (iii) *Taking note of the detriment suffered by the appellant due to delay in furnishing the requisite information, respondent public authority i.e. Deputy Commissioner, Yamana Nagar is directed to pay Rs.1000/- as compensation to the appellant. The amount shall be paid within one month from the receipt of this decision to the appellant under intimation to the Commission and shall submit compliance to the Commission by 31.05.2013.*
- (iv) *A copy of the these orders shall also be sent to the Deputy Commissioner, Yamuna Nagar for taking necessary action as mentioned hereinabove.*

(5) Thereafter, State Commission vide communication dated 02.01.2014 (P-3) directed the First Appellate Authority-cum-Deputy Commissioner, Yamuna Nagar to send compliance report within 15 days. Show Cause Notice was also issued by the State Commission to the aforesaid Authority on 21.04.2014 (P-4) under Section 20 (1) of the Act with an intimation to petitioner vide communication dated 08.05.2014.

In response to the above Show Cause Notice, respondents submitted reply and matter was closed by the State Commission vide order dated 20.05.2014 (P-5).

(6) Still aggrieved against the aforesaid order of the State Commission, petitioner preferred an appeal (P-6) before the Central Information Commission, New Delhi (*for short 'Central Commission'*), but the

same was forwarded to the State Information Commission and petitioner was duly informed vide letter dated 10.09.2014 (P-7).

In response to above, the State Commission vide letter dated 30.10.2014 (P-8) intimated the petitioner that his case has been finally decided.

Again on 23.11.2014, petitioner approached the Central Commission against the letter dated 30.10.2014, received from the State Commission, but the same was returned to the petitioner on 29.01.2015 (P-10) with the observation that the Central Commission has no jurisdiction to entertain the appeal.

(7) It is contended by learned Counsel for the petitioner that he is running from pillar to post for the last approximately 10 years, but he has not been supplied the desired information by the quarter concerned; therefore, the impugned order deserves to be set aside. Also contended that only partial information is supplied to the petitioner and as such, the Authorities have deliberately violated the provisions of the Act and deserve to be penalized.

On the other hand, learned State Counsel submitted that requisite information has already been supplied to the petitioner as well as his brother, namely, Sanjeev Kumar, but he (petitioner) is unnecessarily harassing the authorities just to blackmail them under the penal provisions of the Act.

(8) Heard learned Counsel for the parties and perused the paper-book.

(9) Record reveals that initially, one Rajiv Kumar son of Som Parkash, resident of Radaur moved an application on 16.05.2012 (R-1) before Naib Tehsildar for demarcation of land bearing Khasra Nos.1782 & 1783 of Village Radaur, which was further entrusted to Beer Singh (retired Naib Tehsildar) as a Local Commissioner. After due intimation to the parties through Chowkidar,

the Local Commissioner visited the spot on 09.06.2012, but petitioner did not come present on the premise that he had to attend a Court case. He also raised an objection that aforementioned Rajiv Kumar was not the owner of land, therefore, he had no right to seek any demarcation. As a result thereof, no demarcation was conducted by the Local Commissioner and the original papers were returned to the applicant-Rajiv Kumar.

On 15.06.2012, petitioner moved the present application for seeking information, which was forwarded by respondent No.4 to Naib Tehsildar to do the needful. In response thereto, Naib Tehsildar sent a reply dated 22.06.2012 to petitioner saying that original papers, including application submitted by Rajiv Kumar, had been returned to him and copy of the reply was also sent to the First Appellate Authority through proper channel.

Again, respondent No.4 also vide letter dated 27.06.2012 intimated the petitioner that information has already been supplied to him by Naib Tehsildar, Radaur.

(10) Also relevant to mention here that in the interregnum, Naib Tehsildar brought the original file from applicant-Rajiv Kumar and got the demarcation prepared on 28.06.2012 from the Local Commissioner and same was kept in record to avoid further complications.

Thereafter, brother of petitioner, namely, Sanjeev Kumar submitted another application dated 03.07.2012 to District Revenue Officer, Yamuna Nagar for seeking the same very information and copy of the same is available as Annexure R-7. In due course, the matter was again referred to Naib Tehsildar, Radaur for supply of requisite information. Since now, record of demarcation was available in the concerned Office, therefore, relevant

information was supplied by the Naib Tehsildar, Radaur to the Office of DRO, Yamuna Nagar vide letter dated 30.07.2012 (R-8) and desired information, along with forwarding letter dated 07.08.2012 (R-9), were sent to Sanjeev Kumar also, who happens to be the real brother of petitioner. After receiving the above information by his brother, petitioner made the issue on the premise that incomplete information was supplied to him on earlier occasion vide letter dated 22.06.2012 (R-4) and he wanted to teach a lesson to the respondents while taking advantage of the situation.

It is evident that at the time of sending the letter dated 22.06.2012, there was no record in the Office of Naib Tehsildar; rather it had been arranged later on by the Naib Tehsildar after preparing demarcation report dated 28.06.2012 from Local Commissioner. Thus, the relevant information was duly supplied to petitioner as well as his brother-Sanjeev Kumar and as such, there is no lapse on the part of the respondent(s).

(11) Even otherwise, no challenge has been made to the order dated 09.04.2013, passed by the State Commission, whereby second appeal of the petitioner was disposed off. Also noteworthy that despite repeated asking, learned Counsel for the petitioner was not able to show any provision of the Act for filing third appeal before the Central Commission in such a matter.

(12) In view of the facts and circumstances, discussed hereinabove, this Court is fully satisfied that present writ petition is nothing, but complete misuse of the legal process and as such, the same deserves to be dismissed with costs. As a result thereof, writ petition is dismissed with costs of Rs.10,000/-.

The costs shall be paid to the District Legal Services Authority, Yamuna Nagar within three months from the date of receipt of certified copy of this order.

In case there is a failure, the Deputy Commissioner, Yamuna Nagar shall recover the aforesaid amount as arrears of land revenue and compliance report be submitted to the Registry of this Court.

(13) Pending application(s), if any, shall also stand disposed off.

May 17th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>