



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 933 OF 2020

Rajeshwar S/o. Laxmanrao Kale,
Aged about 59 years, Occ.: Retired,
R/o. 39, Ankush Bhartinagar, Darwah
Road, Yavatmal.

.... **PETITIONER.**

// VERSUS //

1. State Information Commissioner,
Amravati Division, Amravati.
2. The Collector, Yavatmal,
District : Yavatmal.
3. Tahsildar cum First Appellate
Authority of Right to Information
Act, Tahsil Office, Darwah,
Distt. Yavatmal.
4. The Information Officer cum
Naib Tahsildar, Tahsil Office,
Darwah, Distt. Yavatmal.
5. Ravindra S/o. Kamalkishor Dhiran,
Aged Major, Occu. : Nil,
R/o. At Po. Palodhi, Tah. Darwah,
Distt. Yavatmal.

.... **RESPONDENTS.**

Shri M.P.Kariya, Advocate for Petitioner.
Shri Shyam Bissa, A.G.P. for Respondent Nos. 1 to 4.

CORAM : ANIL S. KILOR, J.
DATED : OCTOBER 17, 2023.

ORAL JUDGMENT :

1. Heard.

2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the parties.

3. The order dated 30/10/2018 passed by the State Information Commissioner in Second Appeal recommending to initiate departmental enquiry against the petitioner and imposing costs of Rupees Ten Thousand for delay in supplying the information sought by the respondent No.5, is under challenge in this writ petition.

4. Shri Kariya, learned counsel for the petitioner submits that the petitioner was not party to the second appeal and before passing such an order neither show cause notice was issued nor hearing was granted to the petitioner. He therefore, submits that the

impugned order suffers from non-compliance of the principles of natural justice. He, accordingly, prays for quashing and setting aside the impugned order.

5. The learned A.G.P. supports the impugned order.

6. I have perused the record and the impugned order.

7. On perusal of the order, I find substance in the submission of the learned counsel for the petitioner that the petitioner was not party to the second appeal and without issuing any show cause notice or without granting any opportunity to the petitioner of being heard, the order recommending to initiate departmental enquiry against the petitioner and imposition of costs was passed. Both the directions are adverse to the interest and rights of the petitioner and therefore, the Commissioner ought to have granted hearing to the petitioner before passing such an order. Thus, I have no hesitation to hold that the impugned order suffers from non-compliance of the principles of natural justice.

8. Accordingly, I pass the following order:

- i) The Writ Petition is allowed.
- ii) The impugned order dated 30/10/2018, passed by the State Information Commissioner, Amravati in Appeal RMA No.2598/2016 is hereby quashed and set aside.

Rule is made absolute accordingly. No order as to costs.

(ANIL S. KILOR, J)

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