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22.05.2024
Ct. 3
RS

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

WPA 1040 of 2024

**Biru Lohar
Versus
West Bengal State Information Commission
and Ors.**

Mr. Arnab Saha, Adv.

... for the petitioner

Mr. Raja Saha, Adv.

Ms. B. Bose, Adv.

Mr. S. Chanda, Adv.

... for the Information Commissioner

Mr. Arnab Saha, learned counsel, is appearing
for the petitioner.

Mr. Raja Saha, learned counsel, is appearing for
the respondents through virtual mode.

The petitioner complains that the petitioner has
preferred the second appeal before the West Bengal
Information Commission on 27th March, 2024 which
was received on 1st April, 2024 but in spite of the
receipt of the appeal till date no decision has been
taken.

Counsel for the petitioner submits that he will be
satisfied if a direction is given to the second appellate
authority i.e. the Information Commissioner to

dispose of the second appeal preferred by the petitioner.

Counsel for the respondent submits that the petitioner has not preferred second appeal under Section 19(3) but he has filed complaint under Section 18(1) of the Act. He submits that as the petitioner has filed the complaint, the petitioner is not entitled to get any information.

Heard learned counsel for the respective parties. Perused the materials on record.

The only grievance of the petitioner is that the appeal filed by the petitioner is to be disposed of by the Information Commissioner. Whether the petitioner has filed complaint or filed second appeal the same is to be decided by the Information Commissioner.

Accordingly, the respondent no.1 i.e. the Information commissioner is directed to dispose of the complaint made by the petitioner under Section 18(1) dated 27th March, 2024 within a period of four weeks from the date of receipt of this order and to communicate the order to the petitioner within a week thereafter.

WPA No. 1040 of 2024 is disposed of.

(Krishna Rao, J.)