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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11201/2024 & CM APPL. 46319/2024, CM APPL.
46320/2024, CM APPL. 46321/2024, CM APPL. 46322/2024
SH. RAMPATPetitioner

Through: Mr. Lalit Kumar and Mr. Yajuvendra
Kumar, Advocates.

versus

GOVT. OF NCT OF DELHI AND ANRRespondents
Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
13.08.2024

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1. The present petition is directed against decision dated 23rd May, 2019 rendered by Central Information Commission¹ in second appeal pertaining to Petitioner's RTI application dated 23rd May, 2017, whereby Petitioner sought following information from the Sub-Divisional Magistrate, Narela:²

"1. Kindly provide the copy, track record with present status, action taken report on application dated 3.11.15 vide diary no 15/12094 before DC North, transferred on 6.11.15 to your office.

2. Kindly provide the copy, track record with present status, action taken report on application dated 27.01.16, diary no. 328/SDM/ N/16 and 14.06.16.

3. Whether any order passed on applications under Question 1 & 2 by competent authority and served upon the applicant? if Yes, provide the proof of order served i.e. copy of postal receipt or other means of communication by which the department informed the applicant about the status of applications.

4. Kindly provide the information in respect of release or disbursement of compensation amount towards destruction of crops

¹ "CIC."

² "SDM."



of Khata No. 116/100, copies of Applications filed by applicants/persons along with cheque no. amount and date on which the revenue department handover the cheques. Whether the revenue officer removed the objections by following procedure.”

2. Awaiting a reply from the SDM, the Petitioner preferred a First Appeal under the Right to Information Act, 2005 on 28th June, 2017. In the meantime, the SDM issued a communication on 17th July, 2017 providing a point-wise response to the Petitioner. Petitioner was informed that information against query No. 1 extracted above was not available in the court file, and the necessary information was supplied in respect of query No. 4. The First Appeal was decided on 18th July, 2017, directing the Petitioner to inspect the record so that the certified copies of the concerned record could be secured.

3. The Petitioner nonetheless filed a Second Appeal before CIC which was then adjudicated through the impugned order dated 23rd May, 2019. The relevant portion of the order reads as under:

“Facts emerging in Course of Hearing:

Both parties are present for hearing. The appellant, a senior citizen, has filed all of the above cases in the quest for information about his land and seeking the track record/action taken reports with respect to a number of his applications etc. Respondent has submitted a written explanation from the PIO /SDM, Narela - Sh. T N Meena stating that despite repeated requests, the appellant never visited the respondent for inspection of records, thereby preventing the PIO/SDM, Narela from addressing his grievance/issue. Instead the Appellant and his son have furnished 51 RTI applications so far on the same subject matter.

It is noted that most of the queries of the appellant could easily be resolved if both parties would take necessary steps to address the actual issue at hand. It appears from the respondent's contentions and is confirmed by the appellant that the opportunity of inspection of the records was never seized by the appellant, nor the queries and grievances of the appellant addressed by the PIO/SDM, Narela to the satisfaction of the appellant.



Decision:

Under the circumstances, the Commission is of the considered opinion that in order to address the details of queries raised by the appellant, the appeals should be remanded to the FAA. The FAA/ADM shall adjudicate the cases by giving appropriate opportunity of representation to both PIO/SDM, Narela and the appellant and ensure amicable resolution of the issues. FAA shall submit an action taken report before the Commission, reporting the outcome of the proceedings, by 15.06.2019."

4. According to the Petitioner, order of CIC relegating the matter to the First Appellate Authority for fresh consideration is erroneous and unreasonable. Petitioner argues that the decision is a non-speaking order as it was passed without hearing the parties or perusing the record and contravenes provisions of the Right to Information Act. It is contended that the impugned order fails to serve the purpose as the First Appellate Authority has not complied therewith.
5. The Court has considered the aforementioned contentions, however, remains unpersuaded. As noted in CIC's order, Petitioner was afforded opportunity to inspect the records, however, the same was not availed. CIC, in the opinion of the Court, has approached the matter in the right earnest so that the information sought by Petitioner can be provided promptly and without hassle. Thus, the Court finds no reason to interfere with the impugned order dated 23rd May, 2019.
6. At this stage, counsel for Petitioner states that Petitioner is willing to visit the office of the SDM, Narela for inspection of records so that necessary certified copies can be obtained.
7. As requested, Petitioner shall visit the office of SDM, Narela on 23rd August, 2024 between 11:00 AM to 01:00 PM for the purpose of inspection of records. SDM, Narela shall, in terms of the directions issued by CIC, render full assistance so that Petitioner is able to identify the relevant record



of which they require the copies.

8. With the above directions, the petition is disposed of along with pending applications.

AUGUST 13, 2024
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SANJEEV NARULA, J