

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4070 of 2024

Parshuram Jha Son of Late Shiv Shankar Jha Resident of Mohalla- Sant Nagar, Hanuman Chowk, Ward No. 15, Gangiala, Police Station- Saharsa Sadar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Information Depart., Govt. of Bihar, Patna.
3. The Commissioner, The State Information Commission, Bihar, Patna.
4. The First Appellate Authority-cum-Sub-Divisional Officer, Sadar Saharsa.
5. The Public Information Officer-cum-Circle Officer, Sonbarsa, Dist.- Saharsa.
6. The District Abhilekhagar Saharsa through District Magistrate, Saharsa.

... .. Respondent/s

Appearance:

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, GP-17
For SIC	:	Ms. Binita Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

CAV JUDGMENT

Date: 17-01-2025

1. The present petition has been filed for setting aside the order dated 19.01.2023, passed in Case No. A3982 of 2020, by the State Information Commissioner, Bihar, Patna, by which the appeal of the petitioner has been disposed off.

2. The brief facts of the case, according to the petitioner are that Late Krishna Ram Jha had two sons, namely, Chanchal Kishore Jha and Harihar Kishore Jha. Late Chanchal Jha had one son namely Late Debair Jha. Late Debair Jha has two sons, namely Rameshwar Jha and Paltan Jha. Rameshwar Jha has



three sons, namely Uday Shankar Jha @ Uday Shekhar Jha, Parmeshwar Jha @ Padam Shekhar Jha and Amar Nath Jha. In the khatian entire land of the joint family is running in the name of all three sons of Rameshwar Jha and the petitioner is related to Late Hari Kishore Jha, who died leaving behind one son, namely, Late Bidhi Narayan Jha, who in turn died leaving behind four sons, namely, Late Raja Jha, Late Sarv Narayan Jha, Late Jateshwar Jha and late Dinanath Jha. Late Dinanath Jha died leaving behind two sons, namely, late Madhav Jha and late Shiv Shankar Jha. The petitioner is one of the three sons of late Shiv Shankar Jha.

3. It is stated by the learned counsel for the petitioner that old Khata No.299, Khesra No.2230, 2231, 1292/3450, situated at Mauza-Barguan, Thana-Kishunganj (Sonbarsa) belongs to the family of the petitioner but in survey records (Khatian) of 1954-55, the aforesaid land has been recorded only in the name of Rameshwar Jha while in Revisional survey records, the said land bearing New Khata No.65, Khesra No.3105 has also been recorded only in the name of three sons of Rameshwar Jha namely Uday Shankar Jha, Parmeshwar Jha and Amar Nath Jha. On account of the aforesaid, problem started in the family pertaining to the share of the petitioner in the said land. Thus the



petitioner tried to procure the Khatiyan of the said land as also tried to know the names of the raiyats, recorded in the survey held in the year 1903 but failed to get the same.

4. It is submitted by the learned counsel for the petitioner that thereafter, the petitioner had sought information under the Right to Information Act from the Public Information Officer-cum-Circle Officer, Sonbarsa, Bihar, Saharsa on 27.03.2019, about the name of the tenant of the land in question, as recorded in the survey records of the year 1903, however, no information was supplied, whereafter the petitioner had filed first appeal before the First Appellate Authority-cum-Sub Divisional Officer, Saharsa on 27.04.2019, however, again no information was supplied to the petitioner, hence the petitioner had filed an appeal before the State Information Commissioner, Bihar, Patna, vide Case No. A3982 of 2020, whereupon the State Information Commissioner, Bihar, Patna, vide order dated 05.12.2022, had directed the Public Information Officer to supply information to the petitioner as required, if not already supplied, however, the Public Information Officer-cum-Circle Officer, Sonbarsa, vide letter dated 04.01.2023, informed the petitioner that as far as the information sought by him is concerned, the jamabandi of Khata No.65 (New), Khesra No.3105, admeasuring 41 decimal,



situated at Mauza-Bargaun, is existing in the name of Uday Shekhar Jha, Padam Shekhar Jha and Umar Nath Jha and as regards Khata No.299 (Old), since details are not available in the Circle Office, hence the petitioner may obtain the details from the District Record Room. Nonetheless, the State Information Commissioner, Bihar, Patna, has disposed off the 2nd appeal filed by the petitioner, by an order dated 19.01.2023, by recording that information has already been supplied to the petitioner vide letter dated 04.01.2023 without considering the fact that full information has not been supplied to the petitioner. In such view of the matter, it is submitted that the order dated 19.01.2023 is fit to be set aside.

5. Per contra, the learned counsel for the respondents has submitted by referring to the counter affidavit filed in the present case that the petitioner had sent an application dated 27.03.2019, i.e. Annexure-P/5, by registered post, seeking information under the right to Information Act from the Public Information Officer-cum-Circle Officer, Sonbarsa. Thereafter, the petitioner had sent an application dated 27.04.2019, i.e. Annexure-P/6, by registered post to the First Appellate Authority-cum-Sub-Divisional Officer, Saharsa Sadar, complaining about non-supply of the information sought by



him. The petitioner had then sent an application dated 26.05.2019, i.e. Annexure-P/7, by registered post to the State Information Commission, Bihar, Patna, leading to institution of Case No. A3982 of 2020, whereafter the State Information Commission, Bihar, Patna had passed an order dated 05.12.2022, i.e. Annexure-P/8, directing the Public Information Officer-cum-Circle Officer, Sonbarsa and the First Appellate Authority-Cum-Sub-Divisional Officer, Saharsa Sadar to supply information. The Circle Officer, Sonbarsa had then supplied the information available in his office to the petitioner, vide letter No.16-2 dated 04.01.2023, i.e. Annexure-P/9. Accordingly, the State Information Commissioner, Bihar, Patna has passed the impugned order dated 19.01.2023, disposing off the appeal filed by the petitioner. It is submitted by the learned counsel for the respondents that the petitioner had filed an application before the Circle Officer, Sonbarsa, Saharsa under the Right to Information Act, seeking certain information, which has duly been supplied to the petitioner, hence in case the petitioner requires any further information, which does not relate to the jurisdiction of the Office of the Circle Office, Sonbarsa, the petitioner should approach the appropriate authority. Thus, it is submitted that the present petition is bereft of any merit and fit



to be dismissed.

6. I have heard the learned counsel for the parties and perused the materials on record, from which it is apparent that the petitioner had made an application under the Right to Information Act on 27.03.2019, before the Public Information Officer-cum-Circle Officer, Sonbarsa, Saharsa, seeking certain information, whereafter, he had sent an application dt. 27.04.2019 to the First Appellate Authority-cum-Sub-Divisional Officer, Saharsa Sadar, complaining about non-supply of the information sought by him. The petitioner had then sent an application dated 26.05.2019 to the State Information Commission, Bihar, Patna, leading to institution of Case No. A3982 of 2020, whereupon the State Information Commission, Bihar, Patna had passed an order dated 05.12.2022, directing the Public Information Officer-cum-Circle Officer, Sonbarsa and the First Appellate Authority-Cum-Sub-Divisional Officer, Saharsa Sadar to supply information to the petitioner. The Circle Officer, Sonbarsa had then supplied such information to the petitioner, as were available in his office vide letter No.16-2 dated 04.01.2023, while informing him that as regards the information which is not available in the Circle Office, the petitioner may obtain the same from the District Record Room.



In such view of the matter, the State Information Commissioner, Bihar, Patna, by the impugned order dated 19.01.2023, had disposed off the 2nd Appeal filed by the petitioner, which in the considered opinion of this Court, does not smack of any illegality inasmuch as in case the petitioner still requires any other information, which is available in a different office of the respondent-State and not available in the Circle Office, Sonbarsa, he should file a fresh application as per the provisions contained in the Right to Information Act, 2005, before the concerned/appropriate authority, which shall accordingly be dealt with, in accordance with law.

7. Having regard to the facts and circumstances of the case and for the forgoing reasons, I do not find any infirmity in the impugned order dated 19.01.2023, passed by the State Information Commissioner, Bihar, Patna, in Case No. A3982 of 2020, hence the present writ petition stands dismissed.

Saurav/-

(Mohit Kumar Shah, J)

AFR/NAFR	NAFR
CAV DATE	16.12.2024
Uploading Date	17.01.2025
Transmission Date	NA

