GAHC010199362026

2026:GAU-AS:14880

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5068/2026

DHIRESWAR DAS
S/O SRI DEBEN DAS, R/O VILLAGE GOSSAIGAON, P.O. DAKHIN BIJNI, P.S. MANIKPUR, DISTRICT- CHIRANG, ASSAM, PIN-783390.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE (SETTLEMENT) DEPARTMENT, DISPUR, GUWAHATI-06.

2:THE BODOLAND TERRITORIAL COUNCIL
REPRESENTED BY PRINCIPAL SECRETARY KOKRAJHAR BODAFANAGAR
P.O. AND P.S. KOKRAJHAR
PIN- 783370.

3:THE PRINCIPAL SECRETARY
THE APPELLATE AUHORITY/ THE NATIONAL HIGHWAY AUTHORITY OF INDIA
KOKRAJHAR BODOFANAGAR
P.O. AND P.S. KOKRAJHAR
PIN- 783370.

4:THE JOINT SECRETARY BTC/ THE COMPETENT AUHORITY
THE NATIONAL HIGHWAY AUTHORITY OF INDIA
KOKRAJHAR BODOFANAGAR
P.O. AND P.S. KOKRAJHAR
PIN- 783370.

5:THE REGISTRAR
ASSAM INFORMATION COMMISSION
GADAPANI PATH
JURIPAR

PANJABARI
GUWAHATI-37.

6:THE STATE INFORMATION COMMISSIONER
ASSAM
GADAPANI PATH
JURIPAR
PANJABARI
GUWAHATI-37
ASSA

Advocate for the Petitioner : MR R S CHAUHAN, MS. D CHAUHAN

Advocate for the Respondent : SC, REVENUE, MR D DEKA, SC, ASSAM INFORMATION COMMISSION,SC, BTC

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 05-10-2026

Heard Mr. R.S. Chauhan, learned counsel for the petitioner; Mr. A. Bhattacharyya, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 1; Mr. N.R. Sharma, learned Standing Counsel, BTC for the respondent nos. 2 – 4; and Mr. D. Deka, learned Standing Counsel, Assam information Commission for the respondent nos. 5 & 6.

2. The petitioner seeking certain information under Section 6 of the Right to Information Act, 2005 ['the RTI Act'] filed an application before the State Public Information Officer [SPIO], that is, the respondent no. 4 on 21.01.2025. The information sought for pertained to construction of four lane National Highway passing through Bijni. When the SPIO did not furnish the information, the petitioner filed a first appeal under Section 19[1] of the RTI Act before the first appellate authority, that is, the respondent no. 3 on 18.03.2025. When the first

appeal was not disposed of by the first appellate authority as per provisions of the RTI Act, the petitioner preferred a 2nd appeal under Section 19[3] of the RTI Act before the respondent no. 6.

3. Mr. Deka, learned Standing Counsel, Assam information Commission appearing for the respondent nos. 5 & 6 has submitted, on instruction, that as the information sought for by the petitioner do not fall within the purview of the Assam Information Commission, and falls within the purview of the Central Information Commission, the petitioner is required to file the 2nd appeal under Section 19[3] of the RTI Act before the Central Information Commission. He has, thus, submitted that the Assam Information Commission does not have the authority and jurisdiction to take cognizance of the appeal, filed by the petitioner as the 2nd appeal under Section 19[3] of the RTI Act.

4. Mr. Sharma, learned Standing Counsel, BTC has submitted that the respondent no. 4 is the SPIO and the respondent no. 3 is the 1st Appellate Authority, and if the petitioner's application and appeal were not disposed of by the SPIO and the 1st Appellate Authority, as regards information pertaining to the Central Government, the petitioner has to prefer the 2nd Appeal under Section 19[3] before the Central Information Commission.

5. Having regard to the information sought for by the petitioner as the applicant under the RTI Act, and in view of the contention advanced by the learned counsel for the respondents that the 2nd appeal will lie before the Central Information Commission under Section 19[3] of the RTI Act, as the petitioner has the remedy of filing an appeal before under Section 19[3] of the RTI Act, which has yet not been availed this writ petition is not entertained. It

is, however, open for the petitioner to file the 2nd appeal under Section 19[3] of the RTI Act before the Central Information Commission.

JUDGE

Comparing Assistant