CGHC010368682023 2026:CGHC:45806

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SHYNA AJAY
Digitally signed by SHYNA AJAY
Date: 2026.10.29 19:18:22 +0530

WPC No. 4823 of 2023

Sevak Ram Kashyap S/o Shri Tikaram Kashyap, Aged About 37 Years Presently Posted As Secretary Of Gram Panchayat Semariya, Janpad Panchayat Or Block Bamnhidih, District : Janjgir-Champa, Chhattisgarh

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development Department, Mahanadi Bhavan, Mantralaya, Naya Raipur, Chhattisgarh.

2 - Chhattisgarh State Information Commission, Sector -19, North Block, Naya Raipur, Atal Nagar, Chhattisgarh.

3 - Chief Executive Officer, Janpad Panchayat, Bamnhidih, District Janjgir Champa Chhattisgarh.

4 - Sharad Dewangan, Shriram Colony Behind Beladula Stadium, Near Carrier School Raigarh, Chhattisgarh.

--- **Respondent(s)**

WPC No. 3986 of 2024

Chandramani Ratre S/o Kirit Ram Ratre, Aged About 36 Years Presently Posted As Secretary Of Gram Panchayat- Bhadra, Janpad Panchayat- Pamgarh, District- Janjgir-Champa (C.G.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)

2 - Chhattisgarh State Information Commission, Sector-19, North Block, Naya Raipur, Atal Nagar (C.G.)

3 - Chief Executive Officer, Janpad Panchayat, Pamgarh, District-Janjgir-Champa ('C.G.)

4 - Nilesh Kumar Sahu, Head Office- Saathi Chhattisgarh, (News Paper), Bti Sqaure, Near Bdm Baaluddyaan, Janjgir, District Janjgir-Champa (C.G.)

--- **Respondent(s)**

WPC No. 3975 of 2024

Chandramani Ratre S/o Kirit Ram Patre Aged About 36 Years Presently Posted As Secretary Of Gram Panchayat- Bhadra, Janpad Panchyat-Pamgarh, Dist- Janjgir- Champa (C.G.).

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through- Secretary Of Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, (C.G.).

2 - Chhattisgarh Sate Information Commission Sector- 19, North Block, Naya Raipur, Atal Nagar (C.G.).

3 - Chief Executive Officer, Janpad Panchayat, Pamgarh, Dist- Janjgir-Champa (C.G.).

4 - Nilesh Kumar Sahu, Head Office- Saathi Chhattisgarh, (News Paper), Bti Sqaure, Near Bdm Baaluddyaan, Janjgir, Dist- Janjgir-Champa (C.G.).

--- **Respondent(s)**

WPC No. 3964 of 2024

Chandramani Ratre S/o Kirit Ram Ratre, Aged About 36 Years Presently Posted As Secretary Of Gram Panchayat- Bhadra, Janpad Panchayat- Pamgarh, District- Janjgir- Champa (C.G.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development Department, Mahanadi Bhavan, Mantralaya, Naya Raipur (C.G.)

2 - Chhattisgarh State Information Commission, Sector-19, North Block, Naya Raipur, Atal Nagar (C.G.)

3 - Chief Executive Officer, Janpad Panchayat, Pamgarh, District-Janjgir-Champa (C.G.)

4 - Nilesh Kumar Sahu, Head Office- Saathi Chhattisgarh (News Paper), Bti Sqaure, Near Bdm Baaluddyaan, Janjgir, District Janjgir-Champa (C.G.)

--- **Respondent(s)**

WPC No. 3963 of 2024

Chandramani Ratre, S/o. Kirit Ram Ratre Aged About 36 Years Posted As Secretary Of Gram Panchayat- Bhadra, Janpad Panchayat- Pamgarh, Dist.- Janjgir-Champa (C.G.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development Department, Mahanadi Bahvan, Mantralaya, Naya Raipur (C.G.)

2 - Chhattisgarh State Information Commission Sector-19, North Block, Naya Raipur, Atal Nagar (C.G.)

3 - Chief Executive Officer Janpad Panchayat, Pamgarh, Dist.- Janjgir-Champa (C.G.)

4 - Nilesh Kumar Sahu Head Office- Saathi Chhattisgarh, (News Paper), Bti Square, Near Bdm Baaluddyaan, Janjgir, Dist.- Janjgir-Champa (C.G.)

--- **Respondent(s)**

WPC No. 3941 of 2024

Chandramani Ratre S/o Kirit Ram Ratre Aged About 36 Years Presently Posted As Secretary Of Gram Panchayat- Bhadra, Janpad Panchayat- Pamgarh, District Janjgir-Champa, Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.

2 - Chhattisgarh State Information Commission Sector-19, North Block, Naya Raipur, Atal Nagar, Chhattisgarh

3 - Chief Executive Officer, Janpad Panchayat, Pamgarh District Janjgir-Champa, Chhattisgarh

4 - Nilesh Kumar Sahu Head Office- Saathi Chhattisgarh, (News Paper), B.T.I. Square, Near B.D.M. Baaluddyaan, Janjgir, District Janjgir-Champa, Chhattisgarh

--- **Respondent(s)**

WPC No. 2452 of 2024

Bhuvan Lal Kumhar S/o Shri Sudama Prasad Kumhar Aged About 40 Years R/o Village Karnoud, Block Bamnhidih, District Janjgir Champa Chhattisgarh Then Secretary Of Gram Panchayat Naktidih, Block - Bamnhidih, District : Janjgir-Champa, Chhattisgarh

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development Department, Mahanadi Bhavan, Mantralaya, Naya Raipur District Raipur Chhattisgarh.

2 - Chhattisgarh State Information Commission, Sector -19, North Block, Naya Raipur Atal Nagar, District Raipur Chhattisgarh.

3 - Chief Executive Officer, Janpad Panchayat, Navagarh, District : Janjgir-Champa, Chhattisgarh

4 - Sharad Dewangan, S/o Shri Ram Colony, Behind Beladula Stadium, Near Carrier School, Raigarh, District Raigarh Chhattisgarh.

--- **Respondent(s)**

WPC No. 2162 of 2024

Ritu Soni W/o Shri Shankar Lal Swarnkar, Aged About 31 Years Public Information Officer Of Gram Panchayat-Junadih, Block- Baloda, District Janjgir-Champa (C.G.)

---**Petitioner(s)**

Versus

1 - State Of Chhattisgarh Through The Secretary Of Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (C.G.)

2 - Chhattisgarh State Information Commission, Sector-19, North Block, Naya Raipur, Atal Nagar (Cg)

3 - Chief Executive Officer, Janpad Panchayat, Baloda, District Janjgir-Champa (C.G.)

4 - Sharad Dewangan, Shri Ram Colony, Behind Beladula Stadium, Near- Carrier School, Raigarh, District-Raigarh (C.G.) 496001

--- **Respondent(s)**

For Petitioner(s)	:	Mr. Pallav Mishra, Advocate
For Respective Respondents	:	Mr. Shyam Sunder Lal Tekchandani, Advocate, Mr. Abhiyuday Tripathi, Mr. Aniruddh Shrivastava and Ms. Akansha Verma, Advocate

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

29/10/2026

1. Since common questions of fact and grievance arise in this batch of writ petitions, they are heard together and disposed of by this common order, so as to avoid conflicting or anomalous findings by this Court.

2. For the sake of convenience, WPC No.4823/2023 is being treated as the lead case and the facts of the said petition are being referred to for the purpose of adjudication. The decision rendered herein, shall, however, govern the connected Writ Petitions as well.

3. This petition (WPC No.4823/2023) is filed against the impugned order dated 8.6.2023 passed by the Chhattisgarh State Information Commission in Second Appeal No.A/2117/2020/Raigarh.

4. Brief facts of the case are the petitioner is serving as the Secretary of Gram Panchayat, Semariya. On 30.08.2019, Respondent No. 4 submitted an application under Section 6(1) of the Right to Information Act, 2005 (in short “the RTI Act”), addressed to the Public Information Officer/Chief Executive Officer, Janpad Panchayat, Block Bamnhidih, seeking copies of the Grant Register (*Anudan Register*) maintained by the Gram Panchayat for the financial years 01.04.2012 to 31.03.2019 (Annexure P/2). Since the application was vague and lacked

clarity, the petitioner duly communicated the inability to process it to Respondent No. 4. Against the same, Respondent No.4 preferred a First Appeal before the Appellate Authority-cum-CEO, Janpad Panchayat, but the said appeal was disposed of being unrepresented by Respondent No.4. Thereafter, Respondent No. 4 preferred a Second Appeal before the State Information Commission, to which the petitioner filed a reply (Annexure P-5). However, vide the impugned order (Annexure P/1), the State Information Commission directed the disclosure of information and imposed a penalty of Rs.25,000/- upon the petitioner, without condoning the delay or considering the case on its merits.

5. Mr. Pallav Mishra, learned counsel for the petitioner submits that the impugned order passed by the Chhattisgarh State Information Commission is not in accordance with law, as the mandatory prior notice and opportunity of hearing under Section 20 of the RTI Act were not afforded to the petitioner before imposing the penalty. Furthermore, the State Information Commission failed to record any finding of *mala fide* intent, deliberate obstruction or conscious default on the part of the petitioner/Public Information Officer. He further submits that the information sought by the information seeker has already been supplied to him.

6. Per contra, Mr. Shyam Sunder Lal Tekchandani, learned counsel appearing for Respondent– State Information Commission submits that the impugned order was passed in compliance with the principles of natural justice and the statutory mandate under

Section 20 of the RTI Act. He submits that a show cause notice was issued to the petitioner prior to the imposition of penalty. However, the petitioner failed to submit any reply or offer any reasonable cause for the delay. Therefore, the impugned order(s) suffers from no illegality and does not warrant any interference by this Court.

7. Heard learned counsel for the parties and also perused the documents annexed with the petition.

8. Under Section 20 of the RTI Act, the imposition of penalty or a recommendation of disciplinary action requires a categorical finding that the documents were withheld due to the deliberate and malafide acts of the Public Information Officer. Unless such a finding is recorded in the order supported by cogent reasons, the imposition of penalty is unsustainable in law.

9. Considering the facts and circumstances of the case, this Court is of the opinion that there is a complete absence of malafide or deliberate failure on the part of the Public Information Officer. It is a well settled principle of law that unless malafide intent and deliberate non-compliance are firmly established, a penalty under Section 20 of the RTI Act cannot be imposed, as held by the Hon'ble Supreme Court in the matter of **Manohar S/o Manikrao Anchule Vs. State of Maharashtra and another** reported in **(2012) 13 SCC 14.** In the absence of any finding of deliberate non-compliance or bad faith, the impugned order(s) imposing penalty cannot be sustained in law.

10. Consequently, all the Writ Petitions are **allowed** and the impugned orders in all the Writ Petitions, so far as it relates to the petitioners, are hereby set-aside.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay