HC-KAR

CNR: KAHC010056822024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 3769 OF 2024 (GM-RES)

BETWEEN:

SRI. PARAMESHA B.R
S/O SRI. RAJANNA
AGED ABOUT 53 YEARS
WORKING AS SUPERINTENDENT
O/O ADLR, KARWAR
UTTARA KANNADA DISTRICT
WAS INCHARGE OF ADDITIONAL
DIRECTOR OF LAND RECORDS
SAKALESHWARA
HASSAN DISTRICT

...PETITIONER

(BY SRI. NAGARJUNA A.C, ADVOCATE FOR
SRI. C.M. NAGABUSHANA, ADVOCATE)

AND:

Digitally signed by PREMICHANDRA M R
Location: HIGH COURT OF KARNATAKA

1. KARNATAKA STATE INFORMATION COMMISSION
NO.203, 2ND FLOOR
INFORMATION SOUDHA
D.DEVARAJ URS ROAD
VIDHANA SOUDHA
WEST GATE, BANGALORE-1
REP. BY CHAIRMAN

2. SRI. K.J. PRAMOD
NO.26, 5TH CROSS, AGB 2ND STAGE

MAHALAKSHMIPURAM
BANGALORE-86

…RESPONDENTS

(BY SRI. SHARATH GOWDA G.B, ADVOCATE - [VC];
R2- SRI. K.V. PRAMOD, SERVED BUT UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH / CALL FOR RECORDS PERTAINING TO THE IMPUGNED NOTICE IN CASE NO.KAMAAAA/444/C.O.M/2023, PASSED BY THE R1, DTD 5.12.2023 ANNEXURE-A AND SET ASIDE IMPUGNED PENALTY INITIATED BY THE R1 IN SO FAR AS IMPOSED THE FINE OF RS.25,000/- TO THE PETITIONER AND DIRECT THE RESPONDENTS TO ALLOW THE PETITIONER TO DISCHARGE HIS DUTY PROVIDED UNDER THE STATUS WITHOUT INTERFERING HIS DUTIES.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court calling in question the order dated 05.12.2023 passed by the 1st respondent-State Information Commission imposing cost of Rs.25,000/- against the petitioner on the ground that the information sought by the respondent No.2 through application dated 16.05.2023 was not furnished within the specified time of 30 days from the date of submission of the application.

2. The claim of the petitioner is that in response to the application dated 16.05.2023, the petitioner has responded through the Communication dated 23.05.2023 furnishing some of the documents, however, declining to furnish copy of the notice issued to the surveyor on the ground that the said information amounts to personal information of the third party and the same cannot be furnished in view of provisions of Section 8(1)(j) of the Right to Information Act, 2005 (hereinafter referred to as "the Act" for short).

3. It is his submission that, despite forwarding of the information as per Annexure-C dated 23.05.2023, the respondent No.2 filed a complaint under Section 18(1) of the Act, complaining that the information was not furnished despite the application having been filed on 16.05.2023. The respondent No.1- State Information Commission had issued a show cause notice to the petitioner before passing the impugned order. In response to it, the petitioner has submitted his reply on 02.12.2023

specifically contending that the information sought for by the respondent No.2 has been furnished on 23.05.2023 itself and therefore, there is no violation of provisions of Right to Information Act and there is no scope to impose penalty on him and further requesting for closure of the proceedings.

4. The respondent No.1- State Information Commission rejected the cause shown by the petitioner in response to the show cause notice, holding that the petitioner has not produced any document to show that the information stated to have been furnished has been acknowledged by the respondent No.2-RTI applicant and proceeded to pass the impugned order at Annexure-A imposing penalty of Rs.25,000/-.

5. This Court on 09.10.2026 after hearing the learned counsel for the petitioner and learned counsel for the respondent No.1 had directed the learned counsel for the petitioner to produce the receipt acknowledgement for

having furnished the information to the respondent No.2 on 23.05.2023. In response to which, the learned counsel for the petitioner has filed a memo producing the copy of the extract of the dispatched register. On perusal of the same, it is noticed that the registered article was booked in the jurisdictional post office on 25.05.2025 and the same is entered in the outward register.

6. The learned counsel for the petitioner has also produced the copies of the documents, which have been forwarded to the respondent No.2-RTI applicant. All the documents produced are official documents and there is no reason to disbelieve the authenticity of the said documents including the extract of the outward register.

7. The learned counsel for the respondent No.1 submits that the ledger extract only shows the dispatch of the postal article and it is not a proof of service of the same. Accordingly, prays to pass appropriate orders.

8. Though, the respondent No.2 is served with the notice, however, remained unrepresented.

9. After having heard the learned counsel for the petitioner and the learned counsel for the respondent No.1 and on perusal of the writ petition papers, the impugned order and the documents filed along with the memo today, it is seen that the dates and events referred to supra are not in dispute and it is all based on the records made available in the writ petition. It is also not in dispute that at an undisputed point in time i.e., on 25.05.2025, the registered postal article was booked for dispatch with the address of the respondent No.2. The said fact discloses that in response to the application dated 16.05.2023, some action was taken to furnish the information sought by the respondent No.2.

10. Though, it cannot be concluded that the registered article, which was dispatched on 25.05.2025 has reached the hands of the respondent No.2, however, it

cannot also be held that there is complete dereliction of the duty on the part of the petitioner in not responding to the application under the Right to Information Act. Therefore, this Court is of the opinion that it is not a case of complete dereliction of the duty on the part of the petitioner in not responding to the application under the Right to Information Act. The documents produced before the Court shows that there are some efforts made by the petitioner to respond to the application filed by the respondent No.2. In the facts and circumstances of the present case, it is the considered opinion of this Court that it is not a case for imposition of penalty.

11. In that light, the exercise of power under Section 18 of the Act by the respondent No.1-State Information Commissioner to impose the penalty at Rs.25,000/- is liable to be interfered with.

12. It is also noticed that despite service of notice in the instant writ petition, there is no representation on

behalf of the respondent No.2. If at all, the respondent No.2 was serious in contesting the claim of the petitioner as regards furnishing of the information, the respondent No.2 would have appeared and defended the writ petition.

13. In the result:

(i) The writ petition is ***allowed***.

(ii) The order dated 05.12.2023 at Annexure-A passed by the respondent No.1-State Information Commissioner, by which, the penalty of Rs.25,000/- was imposed against the petitioner is quashed.

(iii) No order as to costs.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PB, List No.: 1 Sl No.: 33