

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH  
AT JAIPUR.**

**ORDER**

S.B. CIVIL WRIT PETITION NO. 5858/2015  
WITH  
S.B. CIVL MISC. STAY APPLICATION NO. 5206/2015  
ADDITIONAL DISTRICT COLLECTOR-SOUTH, JAIPUR  
VS.  
SHRI PRAKASH SHUKLA.



DATE OF ORDER : 30.04.2015

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ**

Mr. Dharmendra Pareek, Addl.G.C., for the petitioner.

**BY THE COURT:**

This writ petition has been filed by the petitioner contending that on 16.08.2010 an application seeking certain information and documents was filed by the respondent. In reply thereto vide letter No. 1058 dated 07.09.2010, the respondent was directed to appear in person and obtain copy of requisite documents from the copy section. The respondent did not appear in the office, but preferred Appeal No. 113/2010 which came to be allowed by the Appellate Authority vide order dated 15.02.2011. Though respondent was directed to appear and collect copy of the document from copy section, but nothing was referred about copying fees. Thereafter, the respondent preferred Second Appeal No. 4692/2010 before the Rajasthan Information Commission (for short 'the Information Commission') and notice was issued to the petitioner. The petitioner filed reply dated 24.02.2011 stating that the respondent was well in time informed for taking requisite copy from

the copy section but he did not turn up and a copy of the said reply was endorsed to the respondent along with certified copy of the requisite documents without any fees. The Information Commission vide order dated 03.09.2014 allowed the appeal of the petitioner and directed the petitioner to provide specific information on each and every point to the respondent within ten days and imposed penalty of Rs. 2,500/-. Being aggrieved with the aforesaid order, the petitioner has filed present writ petition.



Learned Additional Government Counsel appearing on behalf of the petitioner has submitted that the impugned order is contrary to the facts and material available on record. The Information Commission has ignored that fact that the respondent was informed vide reply dated 07.09.2010 to appear and collect the requisite document from copy section, but the respondent never appeared. Thereafter, during appellate proceedings also certified copy of the document was sent to the respondent under reply to the Information Commission. It is further argued that the Information Commission has wrongly exercised its jurisdiction for imposing penalty for non providing the information whereas well in time the respondent was directed to appear and obtain requisite documents from copy section of the office. Learned Additional Government Counsel has further submitted that if the impugned order is allowed to stand, it would occasion to failure of justice, therefore, the same deserves to be quashed and set aside.

Perusal of the order passed by Information Commission indicates that the respondent vide his application dated 16.08.2010 sought certain information regarding illegal construction of Temples,

Churches, Mosques and Gurudwaras and with regard to order No. 1180 dated 08.12.2009 issued by District Magistrate and report received from Jaipur Nagar Nigam. Such information prima facie do not fall in the ambit of Sections 8, 9 and 11 of the Right to Information Act, 2005. It was mentioned by the petitioner in the order dated 01.04.2003, that point-wise information has been provided to the respondent, but from the record made available to the Information Commission, it revealed that point-wise information was not provided to the respondent. In these circumstances, the Information Commission held that the respondent is entitled to get specific and accurate information on each and every point and directed the petitioner to provide such information to the respondent within ten days without any fees. Information Commission while doing so, has also imposed penalty of Rs. 2,500/- to be paid to the respondent by demand draft within 21 days from the date of receipt of order. In view of above, this Court is of the view that the Information Commission has rightly imposed penalty upon the petitioner because the petitioner was under legal obligation to provide specific information on every point to the respondent within time. Order passed by the Information Commission, therefore, cannot be faulted with.

In view of above, there is no merit in this writ petition and the same is, accordingly, dismissed.

Stay application also stands dismissed.

**(MOHAMMAD RAFIQ),J.**

