

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 2ND MARCH, 2017

BEFORE

THE HON'BLE MR. JUSTICE L.NARAYANA SWAMY

WP No.101561 OF 2015 (GM-RES)

C/W

WP NOS.101562, 101563, 101564 & 101566 OF 2015

IN WP NO.101561 OF 2015

BETWEEN:

C D GEETHA

AGE: 32 YEARS, OCC: SERVICE, SERVING AS
TAHASILDAR/PUBLIC INFORMATION OFFICER,
HARAPANAHALLI REVENUE SUB-DIVISION,
DIST: DAVANGERE,
NOW RESIDING AS PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
D.C.OFFICE, DHARWAD, DIST: DHARWAD

...PETITIONER

(BY SHRI VIJAYENDRA BHIMAKANWAR, ADVOCATE)

AND:

1. THE KARNATAKA STATE INFORMATION COMMISSION,
BY ITS COMMISSIONER,
NO.14/3, 1ST FLOOR, SRI ARAVIND BHAVAN
(MYTHIC SOCIETY), NRUPUTUNGA ROAD,
BENGALURU-560001 ALSO AT 3RD FLOOR,
GATE NO.2, M.S.BUILDING, BENGALURU-560001
2. R RUPESH S/O JAYAMMA
AGE: MAJOR, OCC: NIL,

R/O. JAYASHREE NIKETANA, NO.60, EWS COLONY,
2ND MAIN, 2ND CROSS, DAVANGERE,
DIST: DAVANGERE

...RESPONDENTS

(BY SHRI CHETAN LIMBIKAI, ADVOCATE FOR
SHRI D.M.BANDI, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING
TO QUASH THE IMPUGNED ORDER DATED:27.11.2014
VIDE ANNEXURE-E IN APPEAL BEARING NO.KIC
11771PTN2013, PASSED BY THE RESPONDENT NO.1
COMMISSION.

IN WP NO.101562 OF 2015

BETWEEN:

C D GEETHA
AGE: 32 YEARS, OCC: SERVICE, SERVING AS
TAHASILDAR/PUBLIC INFORMATION OFFICER,
HARAPANAHALLI REVENUE SUB-DIVISION,
DIST: DAVANGERE,
NOW RESIDING AS PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
D.C.OFFICE, DHARWAD, DIST: DHARWAD

...PETITIONER

(BY SHRI VIJAYENDRA BHIMAKANWAR, ADVOCATE)

AND:

1. THE KARNATAKA STATE INFORMATION COMMISSION,
BY ITS COMMISSIONER,
NO.14/3, 1ST FLOOR, SRI ARAVIND BHAVAN
(MYTHIC SOCIETY), NRUPUTUNGA ROAD,
BENGALURU-560001 ALSO AT 3RD FLOOR,
GATE NO.2, M.S.BUILDING, BENGALURU-560001

2. R RUPESH S/O JAYAMMA
 AGE: MAJOR, OCC: NIL,
 R/O. JAYASHREE NIKETANA, NO.60, EWS COLONY,
 2ND MAIN, 2ND CROSS, DAVANGERE,
 DIST: DAVANGERE

...RESPONDENTS

(BY SHRI CHETAN LIMBIKAI, ADVOCATE FOR
 SHRI D.M.BANDI, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES
 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING
 TO QUASH THE IMPUGNED ORDER DATED:27.11.2014
 VIDE ANNEXURE-E IN APPEAL BEARING NO.KIC
 11777PTN2013, PASSED BY THE RESPONDENT NO.1
 COMMISSION.

IN WP NO.101563 OF 2015

BETWEEN:

C D GEETHA
 AGE: 32 YEARS, OCC: SERVICE, SERVING AS
 TAHASILDAR/PUBLIC INFORMATION OFFICER,
 HARAPANAHALLI REVENUE SUB-DIVISION,
 DIST: DAVANGERE,
 NOW RESIDING AS PROJECT DIRECTOR,
 DISTRICT URBAN DEVELOPMENT CELL,
 D.C.OFFICE, DHARWAD, DIST: DHARWAD

...PETITIONER

(BY SHRI VIJAYENDRA BHIMAKANWAR, ADVOCATE)

AND:

1. THE KARNATAKA STATE INFORMATION COMMISSION,
 BY ITS COMMISSIONER,
 NO.14/3, 1ST FLOOR, SRI ARAVIND BHAVAN
 (MYTHIC SOCIETY), NRUPUTUNGA ROAD,
 BENGALURU-560001 ALSO AT 3RD FLOOR,

GATE NO.2, M.S.BUILDING, BENGALURU-560001

2. R RUPESH S/O JAYAMMA
AGE: MAJOR, OCC: NIL,
R/O. JAYASHREE NIKETANA, NO.60, EWS COLONY,
2ND MAIN, 2ND CROSS, DAVANGERE,
DIST: DAVANGERE

...RESPONDENTS

(BY SHRI CHETAN LIMBIKAI, ADVOCATE FOR
SHRI D.M.BANDI, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED:27.11.2014 VIDE ANNEXURE-E IN APPEAL BEARING NO.KIC 11787PTN2013, PASSED BY THE RESPONDENT NO.1 COMMISSION.

IN WP NO.101564 OF 2015

BETWEEN:

C D GEETHA
AGE: 32 YEARS, OCC: SERVICE, SERVING AS
TAHASILDAR/PUBLIC INFORMATION OFFICER,
HARAPANAHALLI REVENUE SUB-DIVISION,
DIST: DAVANGERE,
NOW RESIDING AS PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
D.C.OFFICE, DHARWAD, DIST: DHARWAD

...PETITIONER

(BY SHRI VIJAYENDRA BHIMAKANWAR, ADVOCATE)

AND:

1. THE KARNATAKA STATE INFORMATION COMMISSION,
BY ITS COMMISSIONER,
NO.14/3, 1ST FLOOR, SRI ARAVIND BHAVAN

(MYTHIC SOCIETY), NRUPUTUNGA ROAD,
BENGALURU-560001 ALSO AT 3RD FLOOR,
GATE NO.2, M.S.BUILDING, BENGALURU-560001

2. R RUPESH S/O JAYAMMA
AGE: MAJOR, OCC: NIL,
R/O. JAYASHREE NIKETANA, NO.60, EWS COLONY,
2ND MAIN, 2ND CROSS, DAVANGERE,
DIST: DAVANGERE

...RESPONDENTS

(BY SHRI CHETAN LIMBIKAI, ADVOCATE FOR
SHRI D.M.BANDI, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES
226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING
TO QUASH THE IMPUGNED ORDER DATED:27.11.2014
VIDE ANNEXURE-E IN APPEAL BEARING NO.KIC
11786PTN2013, PASSED BY THE RESPONDENT NO.1
COMMISSION.

IN WP NO.101566 OF 2015

BETWEEN:

C D GEETHA
AGE: 32 YEARS, OCC: SERVICE, SERVING AS
TAHASILDAR/PUBLIC INFORMATION OFFICER,
HARAPANAHALLI REVENUE SUB-DIVISION,
DIST: DAVANGERE,
NOW RESIDING AS PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
D.C.OFFICE, DHARWAD, DIST: DHARWAD

...PETITIONER

(BY SHRI VIJAYENDRA BHIMAKANWAR, ADVOCATE)

AND:

1. THE KARNATAKA STATE INFORMATION COMMISSION,
BY ITS COMMISSIONER,
NO.14/3, 1ST FLOOR, SRI ARAVIND BHAVAN
(MYTHIC SOCIETY), NRUPUTUNGA ROAD,
BENGALURU-560001 ALSO AT 3RD FLOOR,
GATE NO.2, M.S.BUILDING, BENGALURU-560001
2. R RUPESH S/O JAYAMMA
AGE: MAJOR, OCC: NIL,
R/O. JAYASHREE NIKETANA, NO.60, EWS COLONY,
2ND MAIN, 2ND CROSS, DAVANGERE,
DIST: DAVANGERE

...RESPONDENTS

(BY SHRI CHETAN LIMBIKAI, ADVOCATE FOR
SHRI D.M.BANDI, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED:27.11.2014 VIDE ANNEXURE-E IN APPEAL BEARING NO.KIC 11776PTN2013, PASSED BY THE RESPONDENT NO.1 COMMISSION.

THESE WRIT PETITIONS ARE COMING ON FOR PRL.HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The respondent No.2 made application to the petitioner who is the Public Information Officer for the purpose of Right to Information Act. He sought for certain information. On the application made by the

respondent No.2, petitioner furnished information but according to the respondent that information is not full. Alleging several lapses on the part of the petitioner, second respondent approached respondent No.1. The respondent No.1 proceeded to impose penalty, being aggrieved the present writ petitions are filed.

2. The learned counsel for the petitioner submits that under Section 19 of the Right to Information Act, if the Public Information Officer fails to furnish information within thirty days, appeal lies to the Assistant Commissioner under Section 19(1), who is the immediate superior officer. In the instant case, instead of approaching the Assistant Commissioner, the applicants directly approached the first respondent, which is not permissible.

3. The learned counsel for the second respondent submitted, it is lapse on the part of the petitioner in not

furnishing the full information and therefore, no interference is called for.

4. I have heard both.

5. I have gone through Section 19 of the Right to Information Act which provides that in case if the information is not furnished within 30 days from the date of application or if the information furnished is not sufficient, then the applicant has to approach the immediate superior officer. When statute provides alternative remedy of preferring first appeal, the second respondent without approaching the Assistant Commissioner has directly approached the first respondent and the first respondent without examining the jurisdiction has passed the impugned order. Hence the impugned order is unsustainable.

Accordingly, writ petitions are allowed. The impugned orders are quashed. The second respondent

in each petition is reserved liberty to approach the Assistant Commissioner.

**Sd/-
JUDGE**

akd*