

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR
BENCH, JAIPUR

ORDER

S.B. CIVIL WRIT PETITION NO.17122/2012
(M.K. Sharma Vs. State Information Commission & Anr.)

Date of Order : **11.01.2013**

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. M.K. Sharma, petitioner in person.
BY THE COURT

1. The petitioner has challenged the order dated 05.07.2012, passed by the Chief Information Commissioner disposing of the second appeal with the direction to the Settlement Officer, Jodhpur to forward the petitioner's application under the Right to Information Act, 2005 (hereinafter 'RTI Act, 2005') to the Sub Divisional Officer, Makrana by registered post within five days of the receipt of the order. The petitioner submits that the appeal ought to have been allowed and documents sought under the RTI Act, 2005 ought to have been directed to be furnished to him. The SDO, Makrana has been directed to decide the application so received by him as per the provision of law. The petitioner has also challenged the subsequent order dated 06.09.2012, passed by the Chief Information Commissioner on a review application filed by the petitioner on the ground that he had no power of review conferred on him under the provision of RTI Act, 2005.

2. I have heard the petitioner and perused the writ petition.

3. By order dated 05.07.2012, the Chief Information Commissioner has held that the information sought by the petitioner could have been sought only from the "concerned public authority". It has been found that the information sought regarding Revenue File No.36/2001 by which the SDM, Makrana had passed an order under Section 90B of the Rajasthan Land Revenue Act, 1956 (hereinafter 'the Act of 1956') on 31.01.2002 in respect of Khasra No.604 at Makrana, could have been only available with the SDO, Makrana and such file could not be in the office of the Settlement Officer, Jodhpur. It has been further held that in these circumstances, the application before the Settlement Officer, Jodhpur was misdirected and the application seeking information as sought ought to have been laid before the SDO, Makrana. However, in view of the provision under Sub-section 3 of Section 6 of RTI Act, 2005, the application was directed by the Chief Information Commissioner to be transferred within five days by the Settlement Officer, Jodhpur to the SDO, Makrana.

4. Petitioner submits that the details of the revenue map of Khasra No.604 at Makrana and its sub-division from time to time as also the details of land-holders of Khasra No.604 at Makrana would have been available with the

Settlement Officer, Jodhpur and not with the SDO, Makrana and ought to have been furnished on his application.

5. I, however, find no substance in the said argument in view of the fact that the Settlement Officer, Jodhpur has categorically stated that the said information was not available with him. The petitioner is free to pursue his remedy before the SDO, Makrana and in the event, the SDO, Makrana were to hold, one way or the other, with regard to the availability of information sought, it would be for the petitioner in the overall context to take his further remedy in accordance with law against the order of SDO, Makrana.

6. In my considered view, no illegality can also be found in the Chief Information Commissioner's order dated 06.09.2012 inasmuch as a quasi judicial authority the Chief Information Commissioner has no power to review its orders unless statutorily conferred. No such provision has been brought to the notice of the Court by the petitioner.

7. Consequently, I find no force in the writ petition and the same is dismissed accordingly.

(ALOK SHARMA), J

MS/-193

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.- **Manoj Solanki**, Jr. P.A.