

**OFFICE OF THE APPELLATE AUTHORITY, under RTI Act,
HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE**

RTI Appeal No. 02/2022

Pankaj Gupta S/o Shri Gopal Gupta -----Appellant
R/o 101, Shri Nagar, Main Indore-452018

VS.

**Shri Rajesh Kumar Sharma, Joint Registrar (M)/
State Public Information Officer, High Court of M.P.,
Bench at Indore ----- Respondent**

Order

(Delivered on 17th June 2022)

1. This appeal has been preferred u/s. 19 (1) of the RTI Act., 2005 by the appellant Shri Pankaj Kumar Gupta being aggrieved by the facts that complete information as sought by him through his RTI application dated 11.04.2022 has not been supplied to him, which should have been provided by Shri Rajesh Kumar Sharma, Joint Registrar (M)/ State Public Information Officer, High Court of M.P., Bench at Indore.

2 The brief facts which lead to file this appeal is as under :-

Appellant Shri Pankaj Gupta has sent a RTI application dated 11.04.2022 through registered post addressed to SPIO (**Joint Registrar (M)/ State Public Information Officer, High Court of M.P., Bench at Indore**) requesting therein for providing following information :-

“Whether the Hon’ble High Court of Madhya Pradesh, Bench at Indore through Principal Registrar had applied to the District Collector, Indore for allotment, in full or part, of land bearing Khasra No. 313/1/1 measuring 11.876 hectare situated at Village Bicholi Mardana, Indore ? If yes, then certified copies of all documents of files pertaining to the such request, note-sheets file including the present status kindly be provided under the RTI Act.,”

3. The learned SPIO, after considering all the facts came to the conclusion

that some information may be provided to appellant under RTI Act and accordingly he provided the copy of following letters/ memos which were related to allotment of said land.

- (i) Memo No. Protocol/744/2021, Indore dated 23.06.2021 written by OSD / Registrar and addressed to Collector, Indore (1 page).
- (ii) Reminder memo No. Protocol/804/2021, Indore dated 07.07.2021 written by OSD / Registrar and addressed to Collector, Indore (1 Page).
- (iii) Memo No. 168/Reader/2021, Indore dated 05.08.2021 written by Collector, Indore and addressed to Principal Registrar, High Court of M.P., Bench at Indore (2 pages).

No other information was provided by SPIO in response to application filed by appellant.

4. The appellant has submitted that all documents sought by him have not been provided and only selective documents have been provided to him, which is arbitrary and also against the principle of transparency. Refusal to provide information sought by the appellant adversely impacts the image of institution of the Hon'ble High Court. It is further submitted by the appellant that refusing to provide complete information substantiate apprehension that the process of securing the land bearing Khasra No. 313/1/1 measuring 11.876 hectare suffers from infirmities. The Joint Registrar (M)/ SPIO had deliberately attempted to deny to provide information sought.

5. To decide this appeal following points of determination are arise :-

- (i) Whether appellant is entitled to get remaining information ?
- (ii) Whether the order of SPIO is not just and proper ?

6. Before coming to the merits of the case, file regarding allotment of land bearing Khasra No. 313/1/1 measuring 11.876 hectare, kept in protocol Section of this office has been perused. It reflects from the above file that alongwith Khasra NO. 313/1/1 land of some other Khasra No. was allotted for the use of officials of District Court as well as High Court, Bench at Indore. Appellant has sought his information only in regards to Khasra No. 313/1/1, hence, SPIO was not liable to be provided all the information regarding allotment of land. It

seems that some other documents are closely related to allotment of such land and copy of that documents should have been provided to appellant. Shri Rajesh Kumar Sharma, SPIO has submitted that some documents which were not addressed to the Collector but were addressed to Registrar General and not related to allotment or request of allotment were not found to be worth providing under the RTI Act. Documents related to allotment of Khasra No. 313/1/1 were seen by me and found as below :-

- (i) As far as, letter dated 12.06.2021 written by Principal Registrar, Bench at Indore to Registrar General, High Court of M.P., Jabalpur is concerned, this letter is not related to allotment or request of allotment of such land but it relates to physical inspection of such land. Appellant through his RTI application has specifically requested that documents relating to allotment of such land or pertaining to such request be provided him under RTI Act and this letter is neither related to allotment of such land nor it pertains to such request of allotment. So, SPIO has rightly denied to provide the copy of such letter.
- (ii) As far as, letter dated 18.06.2021 is concerned, it is written by Registrar (W & I) and addressed to Principal Registrar, High Court of M.P., Bench at Indore and it is mainly related to availability and requirement of government residence to Judges and Judicial Officers of District Court, Indore and of this Registry as well as requirement of officials / employees of District Court, Indore and of High Court of M.P., Bench at Indore. So, this letter is also not belongs to allotment of such land or request to allot such land and SPIO has rightly not provided the copy of such documents under RTI Act.
- (iii) As for, letter dated 12.07.2021 is concerned, this is written by Principal Registrar and addressed to Collector for allotment of land bearing Khasra No. 313/1/1 and is squarely related to information sought by appellant / applicant and copy of this letter should have been provided to appellant by the SPIO.

- (iv) As far as, main application for allotment of such land is concerned, it reveals that the then OSD/Registrar, High Court of M.P., Bench at Indore has sent a request letter dated 09.07.2021 (which is in 14 pages) in proforma '1', as envisaged in Madhya Pradesh Gazette dated 24.09.2020, to Collector, Indore and copy of this request letter has not been provided to appellant and nevertheless, it should have been provided to appellant.
- (v) One another letter dated 29.07.2021, written by Principal Registrar and addressed to the Collector, Indore is available on the file and this letter is also related to allotment of such land and copy of this should also have been provided to the appellant which is not provided at all.
- (vi) One another letter dated 14.01.2022 of the office of the Collector, Indore is available in the file by which land measuring survey No. 313/1/1 area 6.364 hectare has been allotted to Govt. of M.P., Law and Legislative Affairs Department, Bhopal. Looking to the intent of application under RTI Act. of the appellant, it seems that the appellant wanted to be provided the allotment order and such allotment order is available on record which is worth providing and should have been provided to appellant.
- (vii) No other important letter is attached in the file which is directly related to allotment of such land.
- (viii) As far as, note-sheet is concerned, these have also not been provided to the appellant by the SPIO. Appellant has specifically requested to provide him the copy of note-sheets. Certainly, all note-sheets could not be provided to applicant / appellant but which are related to those letters, copy of which have already been provided or should have been provided by the SPIO, certainly, note-sheets of them should have been provided to appellant.

On the basis of above facts, circumstances and discussion of the facts, it is found that Joint Registrar(M) / SPIO should have provided some other documents to appellant which are mentioned in point Nos. (iii), (iv) (v) (vi) &

(viii) of Para 6 of this order.

Consequently, the appeal filed by appellant is partly allowed and SPIO is directed to provide the documents mentioned in Point Nos. (iii), (iv) (v) (vi) & (viii) of Para 6 of this order as well as its note-sheets related to such letters (if note-sheets has been written in that regard) to appellant within 15 days positively and that copy should be provided free of cost. Copy of this order be sent to Principal Registrar, High Court of M.P., Bench at Indore for necessary action and information.

ajay prakash mishra
17/6/22
(AJAY PRAKASH MISHR)
APPELLATE AUTHORITY