



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 22<sup>ND</sup> DAY OF FEBRUARY, 2023**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI MULIMANI**

**WRIT PETITION NO. 13791 OF 2016 (GM-RES)**

**BETWEEN:**

DR. K.N.ANURADHA  
W/O DR.NATARAJ.H,  
AGED ABOUT 36 YEARS,  
DEPUTY SECRETARY,  
DEPARTMENT OF URBAN DEVELOPMENT,  
VIKASA SOUDHA,  
BANGALORE - 560 001.

...PETITIONER

(BY SRI. B.K.MANJUNATH., ADVOCATE)

**AND:**

1. KARNATAKA STATE INFORMATION COMMISSION,  
REPRESENTED BY:  
STATE INFORMATION COMMISSIONER,  
M.S.BUILDING, BANGALORE - 560 001.
2. THE DEPUTY COMMISSIONER,  
TUMKUR DISTRICT, TUMKUR - 572 010.
3. THE ASSISTANT COMMISSIONER,  
TUMKUR DISTRICT, TUMKUR - 572 010.
4. THE TAHSILDAR,  
KUNIGAL TALUK,  
TUMKUR DISTRICT - 572 010.
5. H.T.GIRIYAPPA  
S/O THIMEGOWDA,

Digitally signed  
by  
THE JASKUMAR N  
Location: HIGH  
COURT OF  
KARNATAKA



AGED ABOUT 76 YEARS,  
R/O DOOR NO.508,  
10<sup>TH</sup> MAIN, 18<sup>TH</sup> CROSS,  
M.C.BADAVANE, VIJAYA NAGAR,  
BANGALORE - 560 040.

6. THE STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY,  
REVENUE DEPARTMENT,  
M.S.BUILDING,  
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. G.B.SHARATH GOWDA., ADVOCATE FOR R1  
SRI. V.SHIVAREDDY., HCGP FOR R2-R4 & R6;  
R5 - SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &  
227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN  
RELIEFS.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS  
DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Sri.B.K.Manjunath., learned counsel for petitioner and  
Sri.V.Shiva Reddy., learned HCGP for respondents 2 to 4 & 6  
have appeared in person.

Sri.G.B.Sharath Gowda., learned counsel for respondent  
No.1 has appeared through video conferencing.

2. The brief facts are these:

On 20.01.2014 Sri.H.T.Giriyappa - the fifth respondent  
made an application under Section 6(1) of the Right to



Information Act (for short 'the Act') before the Addl. Deputy Commissioner/ Public Information Officer, Tumkur seeking certain information. The copy of the said application is at Annexure-A. The application was transferred to Tahasildar, Kunigal Taluk, Tumkur District by a letter dated 27.01.2014 requesting to furnish the information directly to the applicant. At this juncture, the applicant filed an appeal under Section 19(1) of the Act before the Assistant Commissioner on 16.06.2014 stating that on 20.01.2014 he filed an application seeking information and the same was forwarded to the Tahasildar, Kunigal Taluk, Tumkur District who in turn did not furnish any information except furnishing only the available proceeding in his office and requested the Assistant Commissioner to issue information sought for in his application.

After the appeal was filed by the applicant, a direction was issued by the Assistant Commissioner to the Tahasildar to provide information sought for by the applicant. Accordingly, the Tahasildar issued an endorsement to the applicant stating that the information sought by him can be obtained from the office of the Deputy Commissioner, Tumkur District. Thereafter,



on the basis of the said endorsement, the appeal came to be disposed of on 30.07.2014.

As things stood thus, the applicant approached the Karnataka State Information Commission and filed an appeal against the order passed by the Assistant Commissioner only against the Tahasildar, Kunigal Taluk, Tumkur District. The Commission passed the order on 06.03.2015 in the appeal filed by the applicant stating that the Deputy Commissioner has not furnished the opinion within the prescribed time and directed the Deputy Commissioner to take suitable action and provide information before 31.03.2015 with an information to the Commission and the case was adjourned to 24.04.2015.

On 24.04.2015, the Commission passed the following order:

*"In view of the above omissions and violations of RTI Act Commission orders Smt.Anuradha, ADC and Public Information Officer office of the Deputy Commissioner, Tumkur, Sri.Shambulinga, Tahasildar, Kunigal Taluk, tumkur District to show cause within 30 days why action should not be taken against him under Section 20(1) of the RTI Act to levy penalty of Rs.250-00 per day to a*



*maximum of Rs.25,000-00 for the delay in providing the required information.*

*The case is adjourned to 29.7.2015 at 3.00 PM for further hearing."*

On 29.07.2015, the Commission directed the petitioner to pay penalty of Rs.20,000/- (Rupees Twenty Thousand only) within 30 days.

Being aggrieved by the order passed by the Commission on 24.04.2015 and 29.07.2015, petitioner has filed this Writ Petition under Articles 226 & 227 of the Constitution of India.

3. Learned counsel for petitioner and respondents have urged several contentions.

4. Heard, the contentions urged on behalf of the respective parties and perused the Writ papers and also the Annexures with utmost care.

Sri.B.K.Manjunath., learned counsel for petitioner in presenting his argument vehemently contended that the application is very vague and no specific particulars are sought in the application. Hence, the proceedings initiated by the Commission and imposition of penalty is unsustainable in law.



In reply, Sri.G.B.Sharath Gowda., learned counsel for respondent No.1 justified the order passed by the Commission. He contended that the Public Information Officer did not furnish the information as sought by the applicant. Hence, taking note of the matter in issue, the Commission is justified in imposing penalty and accordingly passed the order. He submitted that the petitioners have not made any good grounds. Accordingly, he prayed for dismissal of the petition.

Sri.V.Shiva Reddy., learned HCGP submits that the application filed by the applicant was transferred to the office of the Tahasildar. The Tahasildar has in turn informed the Deputy Commissioner Office well in time saying that the information which is sought by applicant is available in the office of the Deputy Commissioner. Learned HCGP also argued by saying that the a survey will be conducted once in a month by the office of the Tahasildhar and the Deputy Commissioner calls for a meeting every month regarding progress report regarding encroachment and removal of encroachment. Accordingly, he submits that appropriate order may be passed.



I have perused the application filed by the applicant. It is at Annexure-A. It is dated:20.01.2014. A perusal of the same depicts that the applicant sought information regarding encroachment of gunduthopu, tank bund, halla kharab in respect of Haluvagilu Village and Tharemaradapalya Becharak Village of Kunigal Taluk.

I may venture to say that, except seeking information regarding encroachment of gunduthopu, tank bund, halla kharab in respect of Haluvagilu Village and Tharemaradapalya Becharak Village of Kunigal Taluk, no particulars regarding survey numbers are mentioned and there is no specific particulars about the land wherein the encroachment has taken place. Furthermore, the writ paper records depicts that information sought by the applicant was already furnished to the applicant and the he has acknowledged the same.

I am compelled to make this observation. Given the increase of applications, it's high time the Commission addresses the issue properly and in a right perspective. The Commission should look into the application very minutely and then proceed further in the matter. The Commission should



focus on the important facts. It should make sure that the application must and should contain the particulars of all the details of the information which is sought. The application should be written in a formal style and see that the use of passives to be less direct and more formal. The Commission has to make a satisfactory test of the contents of the application. If the application does not contain the particulars, then the Commission should reject the application and the Public Officials should not be compelled to furnish the information.

The Commission has exceeded its power by adopting the improper procedure as well as by going wrong on a matter of substance. My endeavor in this order is to ensure that the Commission shall apply its mind before it entertain the application.

In my opinion, the Commission has erred in imposing penalty on the petitioner.

In these circumstances, the orders dated:24.04.2015 and 29.07.2015 passed by the Karnataka Information Commission vide Annexures-G & H are liable to be quashed.





The result is that the order dated: 24.04.2015 and 29.07.2015 passed by the Karnataka State Information Commission vide Annexures-G & H are quashed.

Resultantly, the Writ Petition is ***allowed.***

**Sd/-  
JUDGE**

TKN  
List No.: 2 SI No.: 28