

**The Deputy Commissioner, vs the Commissioner,**

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**SooperKanoon Citation :** [sooperkanoon.com/1616830](http://sooperkanoon.com/1616830)

**Court :** Karnataka Dharwad

**Decided On :** Oct-31-2025

**Judge :** S G Pandit

**Appeal No. :** WP/114817/2015

**Appellant :** The Deputy Commissioner,

**Respondent :** The Commissioner,

**Judgement :**

-1-

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 31ST DAY OF OCTOBER, 2025 BEFORE THE  
HON'BLE MR. JUSTICE S G PANDIT WRIT PETITION NO. 114817 OF  
2015 (GM-RES) BETWEEN:

1. THE DEPUTY COMMISSIONER, UTTARA KANNADA DISTRICT,  
KARWAR.

2. THE PUBLIC INFORMATION OFFICER AND ADDITIONAL DEPUTY  
COMMISSIONER UTTARA KANNADA DISTRICT, KARWAR.  
PETITIONERS (BY SRI. SHARAD V. MAGADUM, AGA) AND:

1. THE COMMISSIONER, STATE INFORMATION COMMISSION,  
M.S.BUILDING, BENGALURU-01.

2. SHRI. NARASIMHA GANGADHAR SHASTRI,

Digitally signed by BHARATHI H M DASANA MUTT, GOKARNA-581  
326. Location: HIGH COURT OF KARNATAKA UTTAR KANNADA  
DISTRICT, DHARWAD BENCH Date: 2025.11.04 10:47:22 +0530  
KUMUTA TALUK. RESPONDENTS (BY SRI. DAYANAND M. BANDI,  
ADVOCATE FOR R1; NOTICE SERVED TO R2) THIS WP IS FILED  
UNDER ARTICLES 226 AND 227 OF THE

## **CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER**

DATED:26.02.2015 IN NO.KA.MA.AA 1818 APL 2014 AND BY

**ORDER DATED:11.09.2015 IN KA.MA.AA 1818 APL 2014,**

PASSED BY THE COURT OF COMMISSIONER, KARNATAKA INFORMATION  
COMMISSIONER, BENGALURU IN CASE NO.KA.MA.AA 1818 APL 2014, COPY  
OF WHICH IS PRODUCED AS ANNEXURES-N AND R. -2- THIS PETITION,  
COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE  
THEREIN AS UNDER:

### **ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE S G PANDIT ) The petitioners-the Deputy  
Commissioner of Uttara

Kannada District and the Public Information Officer and Additional Deputy  
Commissioner of Uttara Kannada are before this Court under Article 226 of the  
Constitution of India questioning the order dated 11.09.2015 passed by the  
Information Commission as well as Commissioner for Information Commission,  
whereunder the petitioners were imposed fine of 10,000/- and compensation of  
2,000/- respectively recording that the petitioners have failed to provide  
information in time.

2. Heard learned Additional Government Advocate, Sri.Sharad V Magadum for petitioners.

3. Respondent No.2 though served, has remained absent. -3-

4. Learned Additional Government Advocate for

petitioners would submit that respondent No.2 submitted an application dated 26.08.2013 under Sections 6(1) and 7(1) of the Right to Information Act, 2005(For short 2005 Act) seeking certain information. It is specifically contended that the petitioners issued endorsement dated 19.09.2013

(Annexure-D) informing respondent No.2 that in one application if information regarding one subject is sought, the same could be furnished, whereas in your application several informations are sought in one single application. It is stated that the said endorsement was sent to respondent No.2 by registered post acknowledgment due and for having sent postal cover, Xerox copy of postal cover is placed on record. It is specifically contended that without noticing the said endorsement issued within the time prescribed, the Information Commission as well as the Commissioner for

### **Information Commission proceeded to pass impugned order**

imposing fine of 10,000/- and cost of 2,000 respectively. -4-

5. Learned Additional Government Advocate would

specifically contend that in terms of Section 19 of 2005 Act, appeal would be maintainable if the applicant failed to receive a decision within the time specified in Subsection

(1) or clause (a) of Subsection 3 of Section 7 or is

aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be. However, he submits that in view of communication dated 19.09.2013, the second respondent's appeal was not maintainable.

6. Moreover, learned Additional Government Advocate would submit that subsequently, in terms of the

**order of the Information Commission, respondent No.2 was**

supplied with information as sought under covering letter dated 01.01.2015 (Annexure-J). Despite the same, learned Additional Government Advocate would submit that respondent No.1 proceeded to pass the impugned order. Thus, he would pray for allowing the writ petition.

7. Having heard the learned Additional Government Advocate for the petitioners and on perusal of the entire writ petition papers, I am of the considered view that the

**order impugned herein is the result of not taking note of the**

material on record. As such, the same needs interference.

8. It is not in dispute that the second respondent

submitted application dated 26.08.2013 under Sections 6(1) and 7(1) of 2005 Act seeking certain information. On receipt of the same within 1 month on 19.09.2013 (Annexure-D), the petitioners replied to the second respondent, the same reads as follows: 2005 .

9. The said communication was sent by the registered postal acknowledgment due and Xerox copy of the said cover is placed on record along with the said communication at Annexure-D. The Annexure-D dated -6-

19.09.2013 would indicate that the petitioners informed the second respondent that in one application he has sought several information and he could seek only one information in a single application. Further, it states that if he makes single application for single information, action would be taken to supply the information. The second respondent approached the Information Commission and Information Commission by its order dated 05.12.2014, directed the petitioner to supply information as sought. In pursuance to the said order, the petitioners under

covering letter dated 01.01.2015 forwarded the necessary information to the

**respondent No.2. Thereafter, the first respondent by order**

dated 11.09.2015 imposed Rs.2,000/- towards costs of the petition, apart from imposing fine of Rs.10,000/- under

**order dated 26.02.2015. The impugned orders are without**

noticing the covering dated 01.01.2015 of the first petitioner as well as the communication dated 19.09.2013(Annexure-D) of the first petitioner. -7-

10. The contention of the learned AGA that when the communication dated 19.09.2013 is issued, the second

respondents appeal before Commission was not maintainable. The said contention cannot be appreciated in the light of Section 19 of 2005 Act. Under Section 19 of 2005 Act, a person who has not received a decision or a person who has received a decision could approach the Information Commission.

11. For the reasons recorded above, the petition

deserves to be allowed and accordingly writ petition is allowed and impugned orders bearing No.Ka Ma Aa 1818 APL 2014 dated 26.02.2015 and No.Ka Ma Aa 1818 dated APL 2014 passed by the Court of Commissioner, Karnataka Information Commission, Bengaluru are set aside. Sd/- (S G PANDIT) JUDGE SH- upto para 8 Hmb- Para 9 to end CT-CMU LIST NO.: 1 SL NO.: 11

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