

①

Division Bench

cf-100/-

OA

**IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR (C.G.)**

WRIT APPEAL NO. 293 /2014

APPELLANT:

(Petitioner in
Writ Petition)

: Suresh Khonde S/o Laxman Bala Ji,
Aged 67 years,
R/o- LIG, E-10, Sector-1,
Devendra Nagar, Raipur (C.G.)

VERSUS

RESPONDENTS:

(Respondents in
writ Petition)

1. The Chief Information
Commissioner,
C.G. State Information Commission
Raipur (C.G.)
2. First Appellate Authority
(Jan Suchna Adhikari),
C.S.P., Thana Civil Lines, Raipur
Tah. & Distt. – Raipur (C.G.)
3. Jan Suchna Adhikari,
Additional Suprintendant of Police,
Office of the Suprintendant of Police
Raipur, Tah. & Distt. – Raipur
(C.G.)

WA / 293 / 2014
Presented by Shri H.S. Nishchay
dated 18.08.14

**WRIT APPEAL UNDER SECTION 2(1) OF THE
CHHATTISGARH HIGH COURT (APPEAL TO DIVISION
BENCH) ACT, 2006**





HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: HON'BLE SHRI YATINDRA SINGH, C.J.
HON'BLE SHRI GOUTAM BHADURI, J

Writ Appeal No. 293 of 2014

Appellant/ : Suresh Khonde.
Petitioner

VERSUS

Respondents : The Chief Information Commissioner &
Others.

Writ Appeal under Section 2(1) of the Chhattisgarh High Court
(Appeal to Division Bench) Act, 2007

Appearance: Shri Hemant Kumar Mishra, Advocate for the
Appellant.
Shri UNS Deo, Government Advocate for the State.

JUDGEMENT
(29th August, 2014)

1. This writ appeal is against the order of the single judge dated 25.06.2014 dismissing Writ Petition (C)- 1252 of 2012 filed by Shri Suresh Khonde (the Appellant).

THE FACTS

2. The Appellant filed an application before the Public Information Officer under Right to Information Act for obtaining information regarding the complaint filed by him. The Appellant was supplied some documents on 16.06.2011 but he was not satisfied that all the documents were given to him.

3. The Appellant filed an appeal in which again certain documents were given to him on 30.08.2011. Yet, the Appellant was not happy and he filed second appeal before the Chief Information Commissioner. It was dismissed on 04.04.2012.

4. Aggrieved by the aforesaid order, the Appellant filed Writ Petition (C)- 1252 of 2012. It was dismissed on 25.06.2014. Hence, the present writ appeal.

THE DECISION

5. We have heard counsel for the parties.

6. It is not disputed that the Chief Information Commissioner while deciding the case was exercising quasi judicial powers and is Tribunal under supervisory jurisdiction of this court under article 227 of the Constitution.

7. In Dr. Bhagwant Singh vs Pt. Ravi Shankar Shukla University and another (Writ Appeal-190 of 2007, decided on 25.06.2013) and M/s Sony India Private Limited and Another vs. State of Chhattisgarh and Others (Writ Appeal No.214 of 2013 decided on 18.06.2013), it has been held that a statutory authority exercising quasi-judicial power is a Tribunal within the meaning of article 227 of the Constitution.

8. In SKS Ispat Limited Vs Union of India and others (Writ Appeal-1006 of 2012, decided on 12.12.2012), it has been held that it is not the heading of the writ petition, but substance of the order passed by the single judge is material. It is substance of the order passed that determines whether the order was passed under Article 226 or 227 of the Constitution.

9. In the present case, the single judge after considering the submissions of the parties has dismissed the writ petition. The substance of the order is under Article 227 and no power under Article 226 of the Constitution has been exercised.

10. It is also relevant to point out that Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 (No. 1 of 2007) has been amended by Chhattisgarh Act (No. 2 of 2014) and in section 2 of Act, an explanation has been added which further clarifies the law.

11. In view of above and the proviso to sub-section (1) of section 2 of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006, the writ appeal is not maintainable.

12. The writ appeal is dismissed as not maintainable.

Sd/-
Chief Justice

Sd/-
Goutam Bhaduri
Judge