



IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

: PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NOS: 8842, 8947, 8955, 8960 AND 9532 OF 2022

Between:

K Siva Koteswara Rao, S/o. Butchaiah, Aged 52 years, R/o. 6.19.9/5, 16th Lane,
Arundelpet, Lodge Centre, Guntur-522002

Petitioner

AND

1. Andhra Pradesh Information Commissioner, Rep. by State Information Commissioner, 1st Floor, MGM Capital, Near NRI Y Junction, NH-16 Service Road, Chinnakakani, Mangalagiri, Guntur-522302
2. First Appellate Authority, O/o. The Commissioner, A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District.
3. Public Information Officer, O/o. the Commissioner, A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District.

Respondents

WP.NO.8842 OF 2022

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus calling up for the records pertaining to the Show cause notice in Case No.7820/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 01.08.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 01.08.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.7820/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP 8842 of 2022, on the file of the High Court.

WP.No.8947 OF 2022

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus calling up for the records pertaining to the Show cause notice in Case No.7822/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 05.09.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 05.09.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.7822/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP 8947 of 2022, on the file of the High Court.

WP.NO.8955 OF 2022

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus calling up for the records pertaining to the Show cause notice in Case No.9002/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 01.09.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 01.09.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.9002/SIC-KJR/2019 dated 09.12.2021 and pass, Pending disposal of WP 8955 of 2022, on the file of the High Court.

WP.NO.8960 OF 2022

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus calling up for the records pertaining to the Show cause notice in Case No.7821/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 13.08.2019 forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 13.08.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.7821/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP 8960 of 2022, on the file of the High Court.

WP.NO.9532 OF 2022

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Certiorarified Mandamus calling up for the records pertaining to the Show cause notice in Case No.9003/SIC-KJR/2019 dated 09.12.2021 and quash them as illegal, arbitrary, high-handed, violative of fundamental rights guaranteed to the Petitioner under Articles 14, 19 and 21 of the Constitution of India apart from violations of the statutory provisions of Right to Information Act, 2005 and consequently to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 13.03.2019

forthwith to impose a penalty of Rs.25,000/-, compensation of Rs.43,290/- and costs thereto on the 3rd Respondent for inaction against the information sought by the Petitioner

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3 to furnish the information sought by the Petitioner vide application dated 13.03.2019 as undertaken by the 3rd Respondent before the 1st Respondent in Case No.9003/SIC-KJR/2019 dated 09.12.2021, pending disposal of WP 9532 of 2022, on the file of the High Court.

These petitions coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI ARUN SHOWRI G Advocate for the Petitioner in all the petitions, SRI SATHEESH KUMAR EERLA Standing Counsel for 1st Respondent in all the petitions, SRI B JAGADEESH KUMAR, Standing Counsel for 2nd and 3rd Respondent, the Court made the following.

ORDER:

"The grievance raised by the petitioner in all these writ petitions is that in spite of specific directions issued by the 1st Respondent (i.e.) State Information Commission vide order, dated 09.12.2021, to furnish information to the petitioner as directed by the Commission on 18.11.2021 on free of cost and also pay compensation of Rs.10,000/- to the petitioner in each case within two weeks and also to submit compliance report before the State Information Commission within three weeks. The Public Information Officer, O/o the Commissioner of A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District (i.e.,) 3rd Respondent herein, did not furnish the information or paid the compensation to the petitioner.

On instructions, Sri Satish Kumar Yerla, learned Standing Counsel for the 1st Respondent (i.e.) A.P. State Information Commission, submits that in compliance of the order, dated 09.12.2021 of the State Information Commission, the Public Information Officer (i.e.) 3rd Respondent herein, did not submit the compliance report to the Commission till date.

After considering the submissions of both side counsels, in the considered opinion of this Court, the 3rd Respondent has no respect towards law and the orders passed by the State Information Commissioner.

Accordingly, the 3rd Respondent is directed to appear before this Court on 02.05.2022 with all information as directed by the State Information Commission to be furnished to the petitioner before this Court.

Sri B. Jagadeesh Kumar, learned Standing Counsel for A.P. Vaidya Vidhana Parishad is directed to inform this order to the 3rd Respondent."

Sd/-P.Vinod Kumar
ASSISTANT REGISTRAR

//TRUE COPY//

Fol SECTION OFFICER

To,

1. The State Information Commissioner, Andhra Pradesh Information Commissioner, 1st Floor, MGM Capital, Near NRI Y Junction, NH-16 Service Road, Chinnakakani, Mangalagiri, Guntur-522302
2. First Appellate Authority, O/o. The Commissioner, A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District.
3. Public Information Officer, O/o. the Commissioner, A.P. Vaidya Vidhana Parishad, Himagna Towers, Gollapudi, Krishna District. (by RPAD)
4. One CC to SRI ARUN SHOWRI G Advocate [OPUC]
5. One CC to SRI SATHEESH KUMAR EERLA Standing Counsel [OPUC]
6. One CC to SRI B JAGADEESH KUMAR, Standing Counsel [OPUC]
7. One spare copy

HIGH COURT

DEVJ

DATED:25/04/2022

ORDER

W.P.NOS.8842, 8947, 8955, 8960 AND 9532 OF 2022

DIRECTION

