

**OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,**  
**MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI**  
**(Appellate Authority)**

**RTI APPEAL NO.02/2022-23**

APPELLANT	:-	Md. Tousif Hussain Reza, House No. 4, Opp. ASEB Billing Office, Hedayetpur, near Guwahati club, Guwahati – 781003.
RESPONDENT	:-	Registrar (Judicial) & PIO, Gauhati High Court
DATE OF APPEAL	:-	10.08.2022
DATE OF HEARING	:-	30.08.2022
DATE OF ORDER	:-	07.09.2022

**O R D E R**

The instant appeal has been made under Section 19(1) of R.T.I. Act, 2005 by one Md. Tousif Hussain Reza, Guwahati being aggrieved with the RTI reply received from the PIO (Registrar Judicial, Guwahati).

While preferring the appeal, the appellant, Md. Tousif Hussain Reza submitted that on 27 July, 2022 he preferred one application under the Right to Information Act, 2005 seeking some information from the PIO of the Gauhati High Court in connection with an application which the applicant had preferred before the Hon'ble Chief Justice of Gauhati High Court on 27 July, 2021. The appellant had preferred the appeal mainly on the ground that the information furnished to him is misleading and does not serve the purpose of the RTI application.



I have personally heard the appellant as well as the PIO. I have also carefully gone through the record and the relevant provisions of law. The brief facts leading to the instant appeal as appears from the record is that the appellant, Md. Tousif Hussain Reza submitted one RTI application on 28.07.2022 (which is dated 27.07.2022) before the PIO, Gauhati High Court seeking information in connection with a petition submitted before the Hon'ble Chief Justice on 28.07.2021. In that RTI application the appellant has sought the following information:-

- " 1. *Please provide daily progress made in the above mentioned letters to the Chief Justice, Gauhati High Court.*
2. *Please state the reasons behind delaying the process and holding the mentioned application.*
3. *Please provide the action taken reports on the mentioned application of Annexure-1 and Annexure-2.*
4. *Please provide the date and time required to complete disposal of the application.*
5. *Please state the action taken in terms of Section 84 of the Rights of person with Disabilities Act, 2016, for constituting Special Courts for speedy trial of the below mentioned pending Title Suits at the Munsiff court (Annexure-1 and Annexure-2) **42/2015** (11/02.2015), **259/2014** (18/07/2014) – Civil Judge No. 2, **314/2012**, Civil Judge No.2 (Point No. 3 of the main application of Annexure-1.*
6. *Please state the action taken on point number 5, 6 & 7 of the original application of Annexure-1 and Annexure-2.*
7. *Please provide the steps taken to ease the process in terms of the documentation.*
8. *Names and designation of the officials who have considered my application and the number of days it was lying with each official during this period.*



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*9. Please provide copies of file noting indicating the consideration of my application from the date of receipt till date by the concerned officials.*

*10. A copy of the rules/order/citizen charter which lay down the timeline for disposal of matters.*

*11. Names and designation of officials who are responsible for dereliction of duty for delaying my application in violation of relevant rules/regulation.*

*12. Date by when action would be completed in my case?"*

On receipt of that RTI application the PIO has supplied the information to the applicant on 03.08.2022. Perusal of the record reflects that the petition submitted before the Hon'ble Chief Justice by the applicant on 28 July, 2021 relates to speedy trial under the provisions of Rights of Person with Disabilities Act, 2016. The applicant had filed the petition under provisions of Sections 145 and 146 of Cr.P.C. with a prayer for direction to remove illegal construction, ousting of illegal encroachment and to debar accused-persons from entering into the land of the applicant.

By filing the RTI application on 28.07.2022 the applicant requested for the following information amongst others as to the daily progress made in connection with the petition submitted before the Hon'ble Chief Justice and the reasons behind delaying the process in connection with that application and action taken report on the basis of the application preferred before the Hon'ble Chief Justice. The applicant also requested for information regarding the date and time required for disposal of the said application. The applicant also requested for information regarding the officials who have been dealing with his application and the number of days it was lying with each officers and who are responsible for dereliction of duties for delaying his application as well as copies of file noting indicating the consideration of his application and copies of relevant rules/ requisitions etc. for timely disposal of such matters.

The PIO in his reply dated 03.08.2022 has supplied information stating that the application was received in the Chief Justice Secretariat on 28.07.2021 and so



placed before the Hon'ble Chief Justice on 29.07.2021 and the Hon'ble Chief Justice on the same date disposed the same citing that alternative remedy is available before the competent court of law for the appellant. He also supplied the information that the application was processed by the Registrar-cum-Principal Secretary to the Hon'ble Chief Justice within 2 days and that there was no delay in processing the application.

Now the appellant has preferred this appeal on the ground that information was misleading and does not serve the purpose of the RTI petition. Section 19 of the RTI Information Act, 2005 deals with the provisions of appeal. Section 19 (1) of the Act provide as follows:

*"19.Appeal.-(1) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Publication Information Officer or the State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or the State Public Information Officer, as the case may be, in each public authority:*

*Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time."*


Bare perusal of Section 19(1) reflects that any person who does not receive any information from the PIO can prefer an appeal or any other person who is aggrieved by the information provided by the PIO may file appeal before the appellate ground.

In the present case it is not the ground that the appellant has not been furnished with the information. The ground for preferring the appeal is that the information furnished by the PIO is misleading and did not serve the purpose of the RTI application. During the hearing the appellant had also submitted that the reply submitted by the PIO is not appropriate and not as per the RTI Rules. In reply the PIO has submitted that the appeal is not maintainable as the same is misleading and



no proper ground has been mentioned. The PIO further submitted that the original application preferred by the appellant before the Hon'ble Chief Justice was under Section 145/146 Cr.P.C. relating to land dispute. It is further submitted by the PIO that the remedy sought by the petitioner/appellant before the Hon'ble Chief Justice cannot be given on the administrative side. It is further submitted that speedy trial as prayed by the appellant cannot be provided through RTI Act. There are other remedies available before the Court of law. Accordingly the PIO as prayed for dismissal of the RTI appeal.

On careful consideration of the record it is found that the RTI application dated 28.07.2022 of the appellant basically relates to his application/petition preferred before the Hon'ble Chief Justice on 28.07.2021. Record also reflects that the PIO before giving reply to the appellant/petitioner has sought information from the Secretariat of the Hon'ble Chief Justice regarding the application submitted by the petitioner/appellant before the Hon'ble Chief Justice on 28.07.2021 and how that application was dealt by the Secretariat of the Hon'ble Chief Justice. Record reflects that on 01.08.2022 the Secretariat of the Hon'ble Chief Justice informed the PIO that the application of the petitioner/appellant Md. Tousif Hussain Reza was received in the Secretariat of the Hon'ble Chief Justice on 28.07.2021. The same was placed before the Hon'ble Chief Justice on 29.07.2021 and it was disposed of on the instruction of the Hon'ble Chief Justice stating that alternative remedy is available before the petitioner. The secretariat also informed that there was no delay in processing the application of the appellant. On receipt of the above information from the secretariat of the Hon'ble Chief Justice, the PIO in his reply dated 03.08.2022 had informed the appellant that his application dated 27.07.2021 was received at the secretariat of the Hon'ble Chief Justice on 28.07.2021 and the same was disposed of on 29.07.2021 by the Hon'ble Chief Justice with the instruction that alternative remedy is available for the petitioner before competent forum. He also informed the petitioner/appellant that there was no delay in processing the application. As regards the other queries raised by the petitioner/appellant it appears from the record as well as from the reply that the queries were duly answered



keeping in view of the fact that his application was disposed of without any delay in the secretariat of the Hon'ble Chief Justice.

An appeal under Section 19 of the RTI Act is maintainable against the information provided by the PIO if the information provided is not correct or incomplete or if the information is provided beyond the period stipulated in the Act. In the instant case the information have been provided within the stipulated period as found from the discussion above. From the record it is also found that the queries of the petitioner/appellant relates to his application preferred before the Hon'ble Chief Justice and basically regarding the progress of that application. Record also reflects that the application was disposed of within a period of 2 days. From the careful perusal of the above record it reflects that the information supplied by the PIO to the petitioner/appellant is correct and complete which is on the basis of record.

In view of the above discussions and materials available, I am of the view that the appeal preferred by the appellant is devoid of merit and do not require any consideration. Accordingly, the appeal is dismissed.

Inform the parties accordingly.

Given under my hand and seal on this 7<sup>th</sup> day of September, 2022.

  
**REGISTRAR GENERAL**  
Gauhati High Court  
Guwahati