TELANGANA STATE INFORMATION COMMISSION
(Under Right to Information Act, 2005)
Samachara Hakku Bhavan, D.No.5-4-399, '4' Storied Commercial Complex,
Housing Board Building, Mojam Jahi Market, Hyderabad – 500 001.
Phone Nos: 040-24743399 (O); 040-24740592(F)

Complaint No.4261/CIC/2019, Order dated:20-10-2021

Complainant : Sri S. Bhanusankar Rao & Sri M.N.V.B. Prasad, H.No.8-3-168/E/48, Flat No.601, Divyalaya Apartments, Rajeev Nagar, Yousufguda, Hyderabad-500045.

Respondent : **The Public Information Officer (U/RTI Act,2005) /**
The Deputy Tahsildar, Serilingampally Mandal, Serilingampally, Ranga Reddy District-500019.

ORDER

Sri S. Bhanu Shankar Rao filed a complaint dated 09-04-2019 which was received by this Commission on **09-04-2019** for not getting the information sought by him from the Public Information Officer/ O/o the Mandal Revenue Officer, Serilingampally Mandal, Serilingampally, Ranga Reddy District.

The brief facts of the case as per the Complaint and other records received along with it are that the complainant herein filed an application dated **13-02-2019** before the Public Information Officer requesting to furnish the information under Sec.6(1) of the RTI Act, 2005 on the following points mentioned:

అయ్యా!

మహారాజశ్రీ గౌరవ అధికారి గారిని మౌజేరాయదుర్గం జాగీరును, రాయదూర్గ్ పన్‌మక్తా, రాయదుర్గ్ నౌకల్సా, రాయదుర్గ్ కల్సా విభాగాలుగా చూపబడుచున్న విభజన, అధికారిక అనుమతులు జారి అయిన ఆర్డర్స్ ప్రకారము విభజన చేయబడినదా? లేక అధికారిక అనుమతి ఆర్డర్స్ లేకుండా విభజనం చేయబడినదా? నిర్దిష్ట సమాచారము స్పష్టముగా సమాచారము కోరుచున్నాము. పైన తెలియపరచిన వివరాల ప్రకారము కోరుచున్న సమాచారము అందచేయుటకు అయ్యే చార్జీలను చెల్లించుటకు మేము సిద్ధంగా ఉన్నాము.

The Public Information Officer did not furnish the information to the complainant.

Stating that he did not receive any information from the Public Information Officer, the complainant preferred this complaint before the Commission requesting to arrange to furnish the information sought by him U/s. 18(1) of the RTI Act, 2005.

Basing on the material papers available on record, the complaint is taken on file.

The case is called on 20.10.2021. The complainant is present. Sri G.Shankar, Naib Tahsildar/Public Information Officer, O/o. the Tahsildar, Serilingampally Mandal, Ranga Reddy District is also present.

The complainant submitted that no information was furnished by the Public Information Officer.

The Public Information Officer submitted that since the complainant sought information in a question form, it will not come under the provision of the R.T.I. Act 2005.

Heard the complainant and the Public Information Officer and perused the records.

On perusal of the material papers available on record, this Commission observed that the complainant sought information in a question form. It is relevant to quote following judgments under provisions of the R.T.I. Act, 2005.

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In the case of Khanapuram **Gandaiah Vs. Administrative Office and Ors.** (*2010) 2 Supreme Court Cases 1* in **SLP (C) No.34868/2009 dated 04.01.2010**, the Hon'ble Supreme Court held as follows:

> ***"Para 12. Moreover, in the instant case, the petitioner submitted his application under Section 6 of the RTI Act before the Administrative Officer-cum-Assistant State Public Information Officer seeking information in respect of the questions raised in his application. However, the Public Information Officer is not supposed to have any material which is not before him; or any information he could (sic not) have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the 'Public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and respondent 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him.***
>
> ***Para 13. A judge cannot be expected to give reasons other than those that have been enumerated in the judgment or order.''***

And

As per decision dated 03.04.2008 of the **High Court of Bombay at Goa in Writ Petition No. 419/2007**, in the case of Dr.Pinto Vs.Goa State Information Commission regarding information under the Right to Information Act, 2005, Government of India, Ministry of Personnel, Public Grievances & Pensioner Department of Personnel & Training, New Delhi, vide Memo No. 1/7/2009-IR, dated 20.05.2011 stated as below:

> ***"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The Public Information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."***

In view of the above decisions, the information sought by the complainant cannot be provided. Hence, the case is closed.

BUDDHA MURALI
CHIEF INFORMATION COMMISSIONER (FAC)

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