

UTTAR PRADESH INFORMATION COMMISSION

Second Appeal under section 19(3) of the Right to Information Act, 2005

Appeal Registration Number - A-20241200797

File Number - S09/A/2193/2024

Applied Date : 10/12/2024 04:58:09 AM

Next hearing date-20<sup>th</sup> March 2025

The status of the case is as follows.

A-20241200797

S09/A/2193/2024 Sadhana Tiwari पता : Public Information Officer Office -  
Superintendent of Police MIRAZAPUR, पिन कोड : 231001 10/12/2024 S-9

20/03/2025

For further hearing. Case number generated and case allotted to a Hearing Room.

To

Most respected information commissioner/

Presiding officer of court number 9

7/7A, RTI Bhawan, Vibhuti Khand, Gomti Nagar Lucknow,

Uttar Pradesh, PIN Code-226010

Subject-PIO denied information through communication dated 2nd February 2025 & 7<sup>th</sup> February 2025 of C.O. Lalganj, Mirzapur.

This KOF may be considered as the objection of the appellant against communications through which information was denied from the appellant.

Most respected Sir, the appellant is drawing the kind attention to the following submissions as follows.

- 1- Most respected Sir the subsequent denial of information dated 7<sup>th</sup> February 2025 by the public information officer is on the same ground but this time he has mentioned the points of the information.

साधना तिवारी (1)

2- Most respected sir please take a glance of the provided information, information sought by the appellant and submissions of the appellant as follows.

रिपोर्ट थाना डूमण्डगंज जनपद मीरजापुर

सेवा में, श्रीमान् क्षेत्राधिकारी महोदय सर्किल लालगंज जनपद मीरजापुर

विषय- प०सं० ज०सू० 29/2025 दिनांक 04 फरवरी 2025 के संबंध में :-

महोदय,

सादर अवगत कराना है कि सूचना का अधिकार अधिनियम 2005 के तहत आवेदिका साधना तिवारी पत्नी ओमकार नाथ तिवारी निवासी सुरेखापुरम् कालोनी रीवा रोड, संगमोहाल थाना कोतवालीकटरा जनपद मीरजापुर द्वारा माँगी गयी सूचना की आख्या बिन्दूवार निम्नवत है।

1. बिन्दू संख्या 1 की सूचना थाना स्थानीय के अभिलेखों से संबंधित नहीं है।

Sought information-1- The information seeker is the daughter of predeceased son Siyakant Mishra of Shambhu Sharan Mishra consequently the information seeker is the class one heir of Shambhu Sharan Mishra, but the property of the Shambhu Sharan Mishra was inherited to only Daya Sankar Misra and Hari Prasad Misra.

Public information officer must provide the copy of the order of the competent civil court or executive magistrate court which provided the title right of the information seeker to 1-Dayashankar Mishra S/O Shambhu Saran Mishra.2- Hariprasad Mishra S/O Shambhu Saran Mishra.

Submission- How have you reached on the conclusion that the matter concerning with the cheating and criminal breach of trust is of civil nature? Most respected sir you are not a jurist so in your report there must not be advice instead of taking action in accordance with the law.

2. बिन्दू संख्या 2 की सूचना थाना स्थानीय के अभिलेखों से संबंधित नहीं है।

(2) साधना तिवारी



Sought information 2- If there is no order passed by the competent court to provide the title rights of the information seeker to the aforementioned duo, provide due procedure adopted by the aforementioned duo to obtain the right of inheritance of the information seeker.

Submission- How have you reached on the conclusion that the matter concerning with the cheating and criminal breach of trust is of civil nature? Most respected sir you are not a jurist so in your report there must not be advice instead of taking action in accordance with the law.

This implies that no due procedure was adopted by the offenders in usurping the property of the appellant. It proves the cheating and criminal breach of trust.

3. बिन्दू संख्या 3 में माँगी गयी सूचना काल्पनिक है सूचना का अधिकार अधिनियम 2005 के धारा 4(2)ख (3) के तहत सूचना देय नहीं है ।

Sought information 3- During the processing of inheritance, the information seeker was only 10 years old. The information seeker was living with her maternal relatives due to danger to her life from the aforementioned duo. Section 425 in The Indian Penal Code, 1860-Mischief-Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously.

The PIO may provide the reason as to how this matter is of civil nature if information seeker requests criminal remedy in the matter.

Submission- In more than two dozen reports you have said that the matter is of civil nature then why are you running away from providing the reason to the appellant. How can it be imaginary if you are saying that the matter is of civil nature and the appellant is seeking reason of it?

4. बिन्दू संख्या 4 का संबंध मा0न्यायालय से है।

Sought information 4-IPC Section 466 deals with the forgery of documents related to court proceedings or public registers. The aforementioned duo concealed the name of the information seeker during processing of inheritance and cheated information seeker by depriving her of property.

(3) साधना तिवारी



Please provide the section of CPC which deals with such offences as police working as counsellor ipso facto from police reports on Jansunwai portal.

Submission- Whether the matter is sub judice in any court of law then please provide the details of the court.

5. बिन्दू संख्या 5 का संबंध मा0न्यायालय से है।

Sought information 5- Right to reason is an indispensable part of the sound administrative system quoted by Apex Court of India in its various judgments. Please provide the reason for the suggestion of police in its report that the matter is of civil nature if the applicant is requesting remedy under I.P.C.

Submission- Whether the matter is sub judice in any court of law then please provide the details of the court. This is a matter of criminal reach of trust and cheating how can it be dealt under the provisions of civil procedure code?

रिपोर्ट सादर सेवा में प्रेषित

प्रभारी निरीक्षक थाना डूमण्डगंज जनपद मीरजापुर

Most respected Sir/madam, please direct the concerned police to provide the information to the appellant. For this appellant shall ever pray to you, most respected madam.

Dated-14/02/2025

O God Help me

Appellant/Sadhana Tiwari, Mobile number 6387233091 .

Next documents-email representation of the appellant dated 7<sup>th</sup> February 2025 and communication dated 2nd February 2025 & 7<sup>th</sup> February 2025 of C.O. Lalganj, Mirzapur.

(4) साधना तिवारी



**Objection to information dated 2nd February 2025 by C.O. Lalganj, Mirzapur.**

1 message

Sadhana Mishra &lt;sadhanamishramzp@gmail.com&gt;

Fri, Feb 7, 2025 at 5:55 PM

To: SHAKUNTALA GAUTAM &lt;hearingcourts9.upic@up.gov.in&gt;, asp-op.mi@up.gov.in, spmzr-up@nic.in

To

Hon'ble Information Commissioner / Presiding officer

Madam Shakuntla Gautam,

Court number 9, Uttar Pradesh state information commission

Subject-APIO/CO Lalganj denied information through communication dated 2nd February 2025 attached to this representation in pdf [form.in](#) two pages.

Short submissions of the appellant are as follows.

1- Most respected madam following are the details of the second appeal.

UTTAR PRADESH INFORMATION COMMISSION

Second Appeal under section 19(3) of the Right to Information Act, 2005

Appeal Registration Number - A-20241200797

File Number - S09/A/2193/2024

Applied Date : 10/12/2024 04:58:09 AM

Hearing room-Court Number-9/S-9, Last date of hearing-06/02/2025, Hearing date-20/03/2025

2- Most respected madam, circle officer Lalganj denied information by taking the recourse of the following communication of the station house officer Drummond Ganj Mirzapur.

रिपोर्ट थाना इमॅण्डगंज जनपद मीरजापुर

सेवा में,

श्रीमान क्षेत्राधिकारी लालगंज महोदय

जनपद मीरजापुर

महोदय जनसूचना अधिकारी कार्यलय पुलिस अधीक्षक मीरजापुर के पत्र संख्या- ज०सू०आनलाईन रजि०नं० - SPMZR/R2025/40168 दिनांकित 18.09.2024 आवेदिका साधना तिवारी निवासी सुरेकापुरन कालोनी रीवा रोड थाना को० कटरा जनपद मीरजापुर का सन्दर्भ ग्रहण करने की कृपा करे।

उक्त के संदर्भ में अवगत कराना है कि जनसूचना का अधिकार अधिनियम 2005 की धारा 4(2)(ख) (4) के तहत ऐसी सूचना देय नहीं है जिसमें मांगी गयी सूचना में प्रश्नक्यों जिसके माध्यम से कियी कार्य के किये जाने अथवा न किये जाने के औचित्य की मांग की गयी हो का उत्तर दिया जाना अन्तर्ग्रस्त नहीं होना चाहिए। अतः उपरोक्त कारणों को दृष्टिगत रखते हुए आपको सूचना उपलब्ध करा पाना सम्भव नहीं है।

आख्या सादर सेवा में प्रेषित है।

थाना- ड्रमण्डगंज, जनपद-मीरजापुर, प्रभारी निरीक्षक थाना ड्रमण्डगंज जनपद मीरजापुर, vide second page of the attached PDF document to this representation.

3- Most respected madam, section 4 (2) (b) (4) never existed under right to information act 2005 as far as knowledge of the appellant is concerned. It seems that Station House Officer Drumand Ganj is talking about Uttar Pradesh rti rules 2015.

4-Section 4(2) in The Right to Information Act, 2005

(5) साधना तिवारी



It shall be a constant endeavor of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu

to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

This section aimed to promote rti act 2005.

5- The appellant has not used what, why, how, which In seeking information from the public information officer as well as not seeking redress of the grievance in the RTI application.

6- According to subsection 1 (d) of section 4 of the right to information act 2005, it shall be an obligatory duty of every public authority to provide reasons for its decisions under right to information act 2005.

7- Most respected madam , Supreme Court of India in the case State Of Punjab vs Bhag Singh on 16 December, 2003, Bench: Doraiswamy Raju, Arijit Pasayat made the following observation.

Even in respect of administrative orders Lord Denning M.R. in Breen v. Amalgamated Engineering Union (1971 (1) All E.R. 1148) observed "The giving of reasons is one of the fundamentals of good administration". In Alexander Machinery (Dudley) Ltd. v. Crabtree (1974 LCR 120) it was observed: "Failure to give reasons amounts to denial of justice". Reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at". Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out. The "inscrutable face of a sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance.

8- Most respected madam, the appellant sought the following information.

1- The information seeker is the daughter of predeceased son Siyakant Mishra of Shambhu Sharan Mishra consequently the information seeker is the class one heir of Shambhu Sharan Mishra, but the property of the Shambhu Sharan Mishra was inherited to only Dayasankar Misra and Hari Prasad Misra.

Public information officer must provide the copy of the order of the competent civil court or executive magistrate court which provided the title right of the information seeker to 1-Dayashankar Mishra S/O Shambhu Saran Mishra.2- Hariprasad Mishra S/O Shambhu Saran Mishra.

2- If there is no order passed by the competent court to provide the title rights of the information seeker to the aforementioned duo, provide due procedure adopted by the aforementioned duo to obtain the right of inheritance of the information seeker.

3- During the processing of inheritance, the information seeker was only 10 years old. The information seeker was living with her maternal relatives due to danger to her life from the aforementioned dup. Section 425 in The Indian Penal Code, 1860- Mischief-Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any

(6) साधना तिवारी



property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously.

The PIO may provide the reason as to how this matter is of civil nature if information seeker requests criminal remedy in the matter.

4-IPC Section 466 deals with the forgery of documents related to court proceedings or public registers. The aforementioned duo concealed the name of the information seeker during processing of inheritance and cheated information seeker by depriving her of property.

Please provide the section of CPC which deals with such offences as police working as counsellor ipso facto from police reports on Jansunwai portal.

5- Right to reason is an indispensable part of the sound administrative system quoted by Apex Court of India in its various judgments. Please provide the reason for the suggestion of police in its report that the matter is of civil nature if the applicant is requesting remedy under I.P.C.

9- Most respected madam the property of the appellant has been usurped by offenders without any right and the applicant is seeking information if the police has any information regarding the claim of police that the matter is of civil nature however, the matter concerns the criminal breach of trust and cheating but as usual police is not interested in taking action in this criminal matter. Now they are escaping from transparency and accountability on the flimsy ground. How can offenders be the title holder of the inherited property of the appellant if the appellant did not provide them any such right.

Most respected madam, please direct the concerned police to provide the information to the appellant. For this appellant shall ever pray to you, most respected madam.

Dated-07/02/2025

O God Help me  
Appellant/Sadhana Tiwari,

Mobile number-6387233091

कार्यालय क्षेत्राधिकारी लालगंज जनपद मीरजापुर।

पत्र संख्या- ज0सू0अ0- 06/2025

दिनांक- फरवरी 02, 2025


सेवा में,

आवेदिका श्रीमती साधना तिवारी पत्नी ओमकारनाथ तिवारी  
निवासी- सुरेकापुरम कालोनी रीवा रोड थाना को0कटरा जनपद मीरजापुर  
पिन-231001

कृपया अपने आवेदन का सन्दर्भ ग्रहण करें, जो जन सूचना अधिकार  
अधिनियम 2005 के तहत आपके द्वारा मांगी गयी सूचना में अंकित बिन्दुओं पर  
सूचना उपलब्ध कराये जाने की अपेक्षा की गयी है।

उपरोक्त के सम्बन्ध में अवगत कराना है कि आप द्वारा अपेक्षित वांछित  
सूचना थाना लालगंज से प्राप्त कर संलग्न कर प्रेषित है।

तदनुसार अवगत हो।

  
क्षेत्राधिकारी लालगंज  
मीरजापुर



सेवा में,

श्रीमान क्षेत्राधिकारी लालगंज महोदय

जनपद मीरजापुर

महोदय जनसूचना अधिकारी कार्यलय पुलिस अधीक्षक मीरजापुर के पत्र संख्या-ज०सू०आनलाईन रजि०नं० -SPMZR/R2025/60168 दिनांकित 18.09.2024 आवेदिका साधना तिवारी निवासी सुरेकापुरन कालोनी रीवा रोड थाना को० कटरा जनपद मीरजापुर का सन्दर्भ ग्रहण करने की कृपा करे।

उक्त के संदर्भ मे अवगत कराना है कि जनसूचना का अधिकारी अधिनियम 2005 की धारा 4(2)(ख)(4) के तहत ऐसी सूचना देय नहीं है जिसमे मांगी गयी सूचना मे प्रश्नक्यो जिसके माध्यम से कियी कार्य के किये जाने अथवा न किये जाने के औचित्य की मांग की गयी हो का उत्तर दिया जाना अन्तर्ग्रस्त नहीं होना चाहिए। अतः उपरोक्त कारणो को दृष्टिगत रखते हुए आपको सूचना उपलब्ध करा पाना सम्भव नहीं है।

आख्या सादर सेवा में प्रेषित है।



प्रभारी निरीक्षक  
थाना डूमण्डगंज  
जनपद मीरजापुर



# कार्यालय क्षेत्राधिकारी लालगंज जनपद मीरजापुर।

पत्र संख्या- ज0सू0अ0- 29/2025

दिनांक- फरवरी ०७, 2025


सेवा में,

आवेदिका श्रीमती साधना तिवारी पत्नी ओमकारनाथ तिवारी  
निवासी- सुरेखापुरम कालोनी रीवा रोड पो0 संगमोहाल थाना को0कटरा  
जनपद मीरजापुर पिन-231001

कृपया अपने आवेदन का सन्दर्भ ग्रहण करें, जो जन सूचना अधिकार  
अधिनियम 2005 के तहत आपके द्वारा मांगी गयी सूचना में अंकित बिन्दुओ पर  
सूचना उपलब्ध कराये जाने की अपेक्षा की गयी है।

उपरोक्त के सम्बन्ध में अवगत कराना है कि आप द्वारा अपेक्षित वांछित  
सूचना थाना लालगंज से प्राप्त कर संलग्न कर प्रेषित है।

तदनुसार अवगत हो।

  
क्षेत्राधिकारी लालगंज  
मीरजापुर



## रिपोर्ट थाना ड्रमण्डगंज जनपद मीरजापुर

सेवा में,

श्रीमान् क्षेत्राधिकारी महोदय

सर्किल लालगंज जनपद मीरजापुर

विषय- प0सं0 ज0सू0अ0 29/2025 दिनांक 04 फरवरी 2025 के संबंध में :-

महोदय,

सादर अवगत कराना है कि सूचना का अधिकार अधिनियम 2005 के तहत आवेदिका साधना तिवारी पत्नी ओमकार नाथ तिवारी निवासी सुरेखापुरम् कालोनी रीवा रोड़ , संगमोहाल थाना कोतवालीकटरा जनपद मीरजापुर द्वारा माँगी गयी सूचना की आख्या बिन्दूवार निम्नवत है।

1. बिन्दू संख्या 1 की सूचना थाना स्थानीय के अभिलेखों से संबंधित नहीं है।
2. बिन्दू संख्या 2 की सूचना थाना स्थानीय के अभिलेखों से संबंधित नहीं है।
3. बिन्दू संख्या 3 में माँगी गयी सूचना काल्पनिक है सूचना का अधिकार अधिनियम 2005 के धारा 4(2)ख(3) के तहत सूचना देय नहीं है।
4. बिन्दू संख्या 4 का संबंध मा0न्यायालय से है।
5. बिन्दू संख्या 5 का संबंध मा0न्यायालय से है।

रिपोर्ट सादर सेवा में प्रेषित है।



प्रभारी निरीक्षक  
थाना ड्रमण्डगंज  
जनपद मीरजापुर

5.2.25 3.1