

**OFFICE OF THE APPELLATE AUTHORITY, under RTI Act,  
HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE**

**RTI Appeal No. 01/2023**

**Manish Matta S/o Late Shri Dilip Matta -----Appellant**  
**R/o 197-M, Khatiwala Tanka, F-203,**  
**Amit Apartment, Indore**

VS.

**Shri Rajesh Kumar Sharma, Joint Registrar (M)/**  
**State Public Information Officer, High Court of M.P.,**  
**Bench at Indore ----- Respondent**

**Order**

**(Delivered on 14<sup>th</sup> February 2023)**

1. This appeal has been preferred u/s. 19 (1) of the RTI Act., 2005 by the appellant Shri Manish Matta being aggrieved by the facts that he has not been supplied the information sought by his RTI application dated 17.12.2022, which should have been provided by Shri Rajesh Kumar Sharma, Joint Registrar (M)/ State Public Information Officer, High Court of M.P., Bench at Indore.

2 The brief facts which lead to this appeal is as under :-

Appellant Shri Manish Matta has sent an RTI application dated 17.12.2022 through Inward Section of High Court of M.P., Bench at Indore, addressed to SPIO (Joint Registrar (M)/ State Public Information Officer, High Court of M.P., Bench at Indore) requesting therein for providing following information :-

*“Certified copies of all letters and applications written by appellant or sent through registered post or in Inward Section which have been addressed to either :-*

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(1) *Hon'ble Justice (Administrative Judge) Mr. Vivek Rusia of Indore Bench directly or through the Principal Registrar.*

(2) *Hon'ble Chief Justice through the Principal Registrar of Indore Bench during period of .01.02.2022 to 30.04.2022”*

3. The learned SPIO, after considering all the facts came to the conclusion that applicant /appellant himself is originator of the sought information and the information was already accessible to the applicant. Therefore, applicant / appellant cannot be provided such information.

4. The appellant has submitted that his very important file has been misplaced and by this reason, he had filed an RTI application to recollect the document submitted by himself to the High Court. Appellant is not only entitled to get information about document filed by himself but document filed by third party, in suitable cases subject to Section 11 of the RTI Act can be given to appellant or any party. It is also submitted that if some marking have been done on requisite information by any authority of High Court, then as per Section 10 of RTI Act, such marking could be hidden and information should be provided to the appellant.

5. To decide this appeal following points of determination are arise :-

(i) Whether appellant is entitled to get information sought by him ?

(ii) Whether the order of SPIO is not just and proper ?

6. As far as, the validity of the order in regard to not providing the information sought is concerned, Joint Registrar (M)/ SPIO has specifically mentioned that applicant is originator of the information and information was already accessible to the applicant himself. The Joint Registrar (M) / SPIO has submitted his reply to the appeal memo and has specifically submitted that if any information is held by a citizen himself, it must be construed that he is already in access to such information and he is seeking the same from the Public Authority is a wholly infructuous exercise. In this regard, a

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decision passed by Central Information Commissioner is important in which it was decided that letters written by the applicant to the Public Authority cannot be sought as being the originator of that correspondence, he was main custodian of the letters, which cannot be said to be held by or under the exclusive control of the Public Authority for the simple reason that the information was already accessible to the applicant himself. In the case at hand, applicant / appellant is also the originator of the information sought.

7. By his appeal memo, appellant has submitted that his very important file has been misplaced and only by this reason, documents submitted by him is necessary but he has neither made any report to he police nor filed any copy of FIR in regard to misplacement or theft of his such important file. Even, this fact has not been mentioned in application addressed to Public Information Officer, High Court of M.P., Bench at Indore. Hence, this ground is not tenable at the later stage of appeal.

8. On the basis of above facts, circumstances and discussion of the facts, it is found that Joint Registrar (M) / S.P.I.O. had rightly not provided the information sought by the appellant. The appellant is not entitled to get information sought under the RTI Act. Therefore, this appeal is without any substance and is liable to be dismissed.

9. Consequently, this appeal is dismissed. Copy of this order be sent to Principal Registrar, High Court of M.P., Bench at Indore for necessary action and information. A copy of this order be also provided free of cost to the appellant and also to the SPIO for information and necessary action.

10. As per Section 19(3) of the RTI Act, 2005, appellant / applicant may file an appeal to the Hon'ble Appellate Authority (State Information Commission, Bhopal) within 90 days of the issuance of this order.

*अजय प्रकाश मिश्र*  
**(AJAY PRAKASH MISHR)**  
**APPELLATE AUTHORITY**