



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 15040 OF 2026 (GM-RES)

BETWEEN:

SRI. SHIVAKUMAR C.L.,
AGED ABOUT 44 YEARS,
WORKING AS THE SECRETARY,
THE BANGALORE DEVELOPMENT AUTHORITY,
T.CHOWDAIAH ROAD,
KUMARA PARK WEST,
BANGALORE - 560 020.

...PETITIONER

(BY SRI. MURUGESH V. CHARATI., ADVOCATE)

AND:

1. THE STATE INFORMATION COMMISSIONER,
KARNATAKA INFORMATION COMMISSION,
ROOM NO.002, GROUND FLOOR,
MAHITHI SOUDHA,
DR. DEVARAJA URS ROAD,
OPPOSITE VIDHANASOUDHA WEST GATE-02,
BANGALORE - 560 001.
2. SRI. A. SURESH CHANDRA BABU,
FATHERS NAME NOT KNOWN
TO THE PETITIONER,
AGE MAJOR,
R/O NO.273, 1ST FLOOR,
RAM IYENGAR ROAD,





V.V. PURAM,
BENGALURU - 560 004.

...RESPONDENTS

(BY SRI.G.B.SHARATH GOWDA, ADVOCATE FOR R1;
R2 SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 01.01.2026 PASSED BY THE R-1 IN NO.KAMAAA 21950 APL 2023 WHICH IS PRODUCED AND MARKED AS ANNEX-G TO THE WP AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioner is before this Court seeking for the following reliefs:

"i) Set aside the order dated 01.01.2026 passed by the respondent No.1 in No. KaMaaAa 21950 APL 2023 which is produced and marked as Annexure-G to the writ petition;

ii) Issue a writ of mandamus directing the respondent to consider the representation of the petitioner dated 26.03.2026 which is produced and marked as Annexure-J to the writ petition; and

iii) Issue any other orders or directions as deemed fit in the circumstances of the case.



2. Respondent No. 2 submitted an application seeking certain information on 06.02.2023. As the requested information was not furnished within the prescribed period, Respondent No. 2 preferred a first appeal on 09.03.2023. Certain steps were thereafter taken on 05.05.2023 by the predecessors of the petitioner. The petitioner came to be appointed as Secretary, Bangalore Development Authority (BDA), and consequently as the First Appellate Authority, by order dated 07.05.2025 and assumed charge on 08.05.2025.
3. Since no order had been passed on the first appeal pending from 09.03.2023, Respondent No. 2 preferred a second appeal before the Karnataka Information Commission (KIC), Respondent No. 1 herein. Proceedings in the second appeal were conducted on 08.07.2025, 12.08.2025 and 05.11.2025. Despite repeated opportunities, neither was there any representation on behalf of the respondent authority nor were any effective steps taken to furnish the information sought by the applicant.
4. It is in the aforesaid circumstances that the Karnataka Information Commission, by order dated



01.01.2026, passed in the presence of the applicant and in the absence of the respondent authority, imposed a penalty of ₹25,000/- and directed that the information and documents sought by the applicant be furnished forthwith.

5. Thereafter, when the matter was taken up on 10.02.2026, the Commission, noticing continued non-representation on behalf of the respondent authority and non-compliance with its earlier directions, directed the concerned authorities to show cause as to why disciplinary proceedings should not be initiated. Aggrieved by the orders dated 01.01.2026 and 10.02.2026, the petitioner has approached this Court.
6. Sri Murugesh V. Charati, learned counsel appearing for the petitioner, submitted that the petitioner was transferred and posted as Secretary, BDA on 07.05.2025 and assumed charge on 08.05.2025. It was contended that the RTI application had been filed on 06.02.2023 and the first appeal had been preferred on 09.03.2023, much prior to the petitioner's assumption of office. According to the learned counsel, all actions, omissions and decisions relating to the RTI proceedings during the said period



were attributable exclusively to the petitioner's predecessors. Therefore, it was submitted that the petitioner could not be made personally liable for defaults that had occurred before he entered office.

7. Learned counsel further submitted that the petitioner had, by communication dated 12.03.2026, instructed the Deputy Secretary concerned to furnish the information sought by Respondent No. 2 and had thereby demonstrated his intention to comply with the requirements of the Right to Information Act, 2005. On this basis, it was contended that the imposition of penalty and the consequential direction to initiate disciplinary proceedings were wholly unwarranted and liable to be interfered with.
8. I am unable to accept the aforesaid submissions.
9. It is no doubt true that the petitioner was not holding the office of Secretary, BDA or functioning as the First Appellate Authority when the original RTI application was filed or when the first appeal came to be preferred in March 2023. Equally, it may not be permissible to hold the petitioner personally accountable for every omission or lapse committed by his predecessors prior to 08.05.2025. However, the issue in the present case does not concern



liability for the period preceding the petitioner's assumption of office alone. The material on record discloses a continuing default which persisted even after the petitioner assumed charge and became statutorily responsible for the discharge of the functions attached to the office.

10. The office of the First Appellate Authority under the Right to Information Act is not a personal office but a statutory office. The obligations attached thereto travel with the office and not with the individual incumbent. Once the petitioner assumed charge as Secretary, BDA and consequently as the First Appellate Authority on 08.05.2025, he became responsible for all pending matters requiring attention within the jurisdiction of that office, including the appeal preferred by Respondent No. 2.

11. A public servant assuming charge of a statutory office cannot ignore pending proceedings merely because they originated during the tenure of his predecessor. Acceptance of such a contention would result in administrative paralysis and would enable statutory obligations to be indefinitely postponed by the simple expedient of transfer of officers, a



consequence wholly contrary to the object and purpose of the Right to Information Act.

12. The record indicates that after the petitioner assumed charge, proceedings were conducted before the Karnataka Information Commission on 08.07.2025, 12.08.2025 and 05.11.2025. Despite being the authority concerned and despite adequate opportunity having been afforded, there was no representation on behalf of the petitioner before the Commission on any of the aforesaid dates. The matter was thereafter considered by the Commission on 01.01.2026, resulting in the imposition of penalty and issuance of directions for furnishing information. Even thereafter, when the matter was again listed on 10.02.2026, there was no appearance on behalf of the petitioner. Thus, the conduct complained of is not confined to a historical default inherited from predecessors; rather, it encompasses a series of omissions committed during the petitioner's own tenure.
13. The significance of these omissions cannot be understated. The Karnataka Information Commission is a statutory and quasi-judicial authority constituted under the provisions of the Right to Information Act.



Orders, notices and proceedings before the Commission are not mere administrative communications that may be ignored at the discretion of public authorities. The efficacy of the statutory framework established under the Act depends substantially upon the cooperation of Public Information Officers and First Appellate Authorities with the Commission. Non-participation in proceedings before the Commission strikes at the very foundation of the mechanism created by Parliament for ensuring transparency and accountability in public administration.

14. The conduct of the petitioner demonstrates not merely a delay in compliance but a complete absence of diligence in attending to the matter. Had the petitioner entered appearance before the Commission, explained the circumstances under which the matter had remained pending, sought reasonable time for compliance, or demonstrated bona fide efforts to secure and furnish the information, the matter might have stood on an entirely different footing. However, the record discloses none of these circumstances. On the contrary, there was continuous inaction despite repeated opportunities.



15. Another significant circumstance which cannot be ignored is that the first appeal had remained undisposed of from 09.03.2023. Even after the petitioner assumed charge on 08.05.2025, no order came to be passed on the appeal for the remainder of the year. The statutory obligation to consider and dispose of the appeal continued to subsist. Yet no material has been placed before this Court to indicate that the petitioner undertook any exercise to examine the records, call for a report, ascertain the status of the information sought, or otherwise discharge the obligations cast upon him as the First Appellate Authority. The prolonged silence and inaction on the part of the petitioner inevitably compelled the Commission to intervene and pass the order dated 01.01.2026.

16. The reliance placed upon the communication dated 12.03.2026 is equally misconceived. The said communication was issued more than two months after the Commission had imposed the penalty and directed compliance. A step taken after the imposition of penalty cannot retrospectively erase months of inaction or cure an established default. Compliance undertaken only after coercive orders are passed does not render such orders illegal nor does it



extinguish the consequences of prior non-compliance. If such a proposition were to be accepted, every delinquent public authority could avoid statutory consequences merely by belatedly initiating compliance after adverse orders are passed.

17. The timing of the communication assumes particular significance. If the petitioner was genuinely diligent in discharging his statutory obligations, there is no explanation as to why similar directions were not issued immediately upon his assumption of office, or at the very least after receipt of notices from the Commission. The absence of any such contemporaneous action renders the subsequent communication of little evidentiary value. It appears to be a step taken only after the Commission had exercised its statutory powers and after the petitioner had been visited with adverse consequences. Such post facto action cannot be treated as a mitigating circumstance sufficient to invalidate the impugned orders.
18. In the circumstances, the conclusion reached by the Karnataka Information Commission cannot be said to be arbitrary, unreasonable or disproportionate. The



Commission was confronted with a matter in which a statutory appeal had remained unattended for an inordinately long period, repeated opportunities had gone unutilized, notices had not elicited any effective response, and the information sought under the Act had not been furnished despite the passage of considerable time. The exercise of jurisdiction by the Commission in imposing penalty and directing initiation of disciplinary proceedings was therefore fully justified on the facts of the case.

19. The conduct displayed in the present matter deserves serious disapproval. Public authorities functioning under the Right to Information Act occupy a position of trust and are expected to facilitate access to information rather than obstruct it through indifference or inaction. Failure to participate in proceedings before the Commission and failure to discharge statutory obligations undermine the legislative intent of promoting transparency and accountability in governance. Such conduct cannot be lightly condoned, lest it dilute the effectiveness of the statutory regime established under the Act.
20. For all the aforesaid reasons, I find no illegality, infirmity or procedural impropriety in the orders



passed by the Karnataka Information Commission. The writ petition is accordingly liable to be **dismissed**. It is, however, clarified that dismissal of the present petition shall not preclude the competent authorities from examining the role of the petitioner's predecessors and taking such action as may be permissible in law in respect of the period during which the appeal remained unattended prior to the petitioner assuming charge on 08.05.2025.

21. I.A.No.1 of 2026 is allowed.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

MKM
List No.: 1 Sl No.: 68