

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No. 21608 of 2014

1 V.Krishnamurthy [PETITIONER]

Vs

1 The Chief Information
Commissioner State Information Commission
NO.2 Sir Thiagarajar Salai Near
Alaiyammalkoil Teynampet Chennai-18

2 The Collector
Thanjavur District Thanjavur

3 District Revenue Officer
Collector Office Thanjavur

4 The Public Information
Officer & Personal Assistant to District
Supply office Collectors Office Thanjavur [RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent to take appropriate action u/s. 20(1) & 20(2) of the right to Information Act 2005 and further to direct the 4th respondent to furnish correct information to the petitioner.

For Petitioner : Ms.D.A.Senthamani

For Respondents : Mr.Niranjan Rajagopalan
for G.R.Associates - R1

Mr.R.Vijayakumar - R2 to R4
Additional Government Pleader

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Ms.D.A.Senthamani, learned Counsel appearing for the petitioner, Mr.Niranjan Rajagopalan, learned coounsel appearing for the first respondent and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 2 to 4.

3. The petitioner seeks for issuance of writ of mandamus to direct the first respondent State Information Commission to initiate appropriate action against the fourth respondent for not complying with the directions issued by the first respondent.

4. It is seen that the by proceedings dated 10.4.2012, directions were issued to the petitioner to furnish information and the fourth respondent was also called upon to explain as to why appropriate action should not be initiated under section 20(1) of the Right to Information Act and why penalty of Rs.25,000/- should not be imposed on the petitioner.

5. It is submitted by the petitioner that no further action has been taken by the first respondent Commission after the said proceedings/notice.

6. The learned counsel appearing for the first respondent Commission submitted that in so far as the direction to furnish information is concerned, the same has been furnished to the petitioner and those particulars forms part of the records.

7. In view of the above submission made by the learned counsel for the first respondent, this Court is of the view that the learned counsel for the petitioner is misleading the information. However, at this juncture, this Court cannot go into the sufficiency of the information granted and it is for the petitioner to work out his rights under the provisions of the Right to Information Act, so far as that aspect is concerned. In so far as the other aspect of the matter regarding the show cause notice issued calling upon the fourth respondent to explain as to why action should not be initiated under section 20(1) of the Act is concerned, the first respondent should definitely proceed further in pursuance to such notice.

8. Accordingly, there will be a direction to the first respondent to issue fresh notice to the petitioner and the fourth respondent in so far as the earlier proceedings initiated under section 20(1) of the Act and conclude the proceedings as

expeditiously as possible, after hearing the parties in person. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar. sar

rpa

To

- 1 The Chief Information
Commissioner State Information Commission
NO.2 Sir Thiyagarajar Salai Near
Alaiyammalkoil Teynampet Chennai-18
 - 2 The Collector
Thanjavur District Thanjavur
 - 3 District Revenue Officer
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 - 4 The Public Information
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Supply office Collectors Office Thanjavur
- C.C. to Mr.D.Asenthamani, Advocate, .Sr.No.1262
- C.C. to Govt. Pleader .Sr.No.12605

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