IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2017

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THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.2840 of 2014 and
M.P.No.1 of 2014

The Public Information Officer,
Office of the Assistant Commissioner
(Central Zone), Corporation of Coimbatore,
Coimbatore. ... Petitioner

Vs.

1. The Tamil Nadu Information Commission,
   rep by the State Information Commissioner,
   No.2, Thiyagaraya Salai,
   (Adjacent to Alaiyamman Temple),
   Teynampet, Chennai - 600 018.

2. Vijayalakshmi ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records of the 1st respondent relating to the impugned order in Case No.9186/Enquiry/D/2009 dated 13.09.2013 passed by the 1st respondent and quash the same.

For Petitioner : Mr.J.Sathya Narayana Prasad
For Respondent : Mr.Niranjan Rajagopal (R1)
Mrs.D.Vijayalakshmi - party-in-person-R2

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorari calling for the records of the 1st respondent relating to the impugned order dated 13.09.2013 passed by the 1st respondent and to quash the same.

2.It is the case of the petitioner that the 2nd respondent submitted a petition dated 18.11.2008 under the Right to Information Act seeking information as to how the property tax and water tax for the house situated at 288, 291 (Old No.23/105) are in two different names, for which the petitioner, in his reply dated 24.12.2008, stated that the water tax is collected from the person in whose name water connection meter reading card has been given. Subsequently, on 04.04.2009, the 2nd respondent gave another application to the Commissioner, Corporation of Coimbatore to furnish the details of arrears of property tax in respect of the said property. The petitioner, in his reply dated 17.04.2009, has inadvertently stated that there is no tax arrears in respect of the said property mentioned in the application. Subsequently, the 2nd respondent produced a print out taken from the computer, which shows that there was outstanding tax dues as on 17.05.2009, which is contrary to the reply given by the petitioner on 17.04.2009. The petitioner was called upon to explain before the 1st respondent Commission as to why penalty as prescribed under the Act should not be imposed on him by the 1st respondent. The petitioner filed a reply before the 1st respondent seeking apology for furnishing wrong information. Thereafter, the Commission directed the petitioner to provide correct information to the 2nd respondent setting right the mistake committed by them in furnishing the incorrect information to the 2nd respondent. Again the petitioner, by his letter dated 13.02.2013, wrongly stated that there was no property tax arrears in respect of the property mentioned in the RTI application. The 1st respondent Commission found that there was tax arrears of Rs.1,653/- to be paid by the 2nd respondent and due to the mistake committed by the petitioner and his subordinates, it was not informed to the 2nd respondent. The 1st respondent Commission passed the impugned order dated 13.09.2013 imposing penalty of Rs.25,000/- on the petitioner and directed him to furnish correct information to the 2nd respondent. Challenging this order, the petitioner has filed the present Writ Petition.

3.The 2nd respondent filed a counter narrating the facts of the case, which had already been stated by the petitioner in the affidavit filed in support of the Writ Petition. Ultimately, the 2nd respondent sought for dismissal of the Writ Petition.

4.Heard Mr.J.Sathya Narayana Prasad, learned counsel appearing for the petitioner, Mr.Niranjan Rajagopal, learned counsel appearing for the 1st respondent and Mrs.D.Vijayalakshmi, 2nd respondent, appearing in person.

5.On a careful consideration of the materials available on record and the submissions made by the learned counsel on either side, it could be seen that the petitioner had furnished wrong information to the 2nd respondent, which prompted her to file a petition before the 1st respondent. Inspite of the 1st respondent's direction to give the correct information, the petitioner had failed to give the correct information to the 2nd respondent. Instead, again on 13.02.2013, the petitioner gave incorrect information to the 2nd respondent. When the arrears of property tax was Rs.1,653/- to be paid by the 2nd respondent, the petitioner had sent the reply to the 2nd respondent stating that there was no arrears. The petitioner has sent a letter dated 30.10.2009 to the 1st respondent apologizing for furnishing wrong information to the 2nd respondent. The petitioner has given the incorrect information to the 2nd respondent on two occasions. Even on the 2nd occasion, the petitioner has given wrong information inspite of the direction given by the 1st respondent Commission. Taking note of all these aspects, the 1st respondent imposed a penalty of Rs.25,000/- under the Right to Information Act. The imposition of penalty of Rs.25,000/- is just and proper.

6.I do not find any error in the order passed by the 1st respondent Commission. The Writ Petition is devoid of merits and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1. The State Information Commissioner,
   Tamil Nadu Information Commission,
   No.2, Thiyagaraya Salai,
   (Adjacent to Alaiyamman Temple),
   Teynampet, Chennai - 600 018.

+1cc to M/S.G.R.Associates, Advocate Sr. 48490
+1cc to Mr.J.SathyaNarayana Prasad, Advocate Sr. 48258
+1cc to Mrs.D.Vijayalakshmi, Advocate Sr. 48925

W.P.No.2840 of 2014 and
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AR(V)
VR(24/07/2017)