

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2017

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.6731 of 2012

K.Kumar Raja

... Petitioner

Vs

1.The Public Information Officer/  
Manager,  
Pollachi Municipality,  
Palghat Road,  
Pollachi 642 001.

2.The Public Information/Appellate Officer,  
and Commissioner,  
Pollachi Municipality,  
Pollachi,Coimbatore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records and quash the order passed by the State Information Commission in order No.49260/C/2011 dated 02.02.2012 and direct the State Information Commission to impose fine amount to the respondents 1 and 2 and thereby direct the respondents 1 and 2 to furnish correct information to the petitioner.

For Petitioner : Mr.C.Veeraraghavan  
For Respondents : Mr.R.S.Selvam,  
Government Advocate

सत्यमेव जयते  
O R D E R

Heard Mr.C.Veeraraghavan, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate appearing for the respondents.

2. The petitioner has approached this Court for seeking the following relief,

"To issue a writ of Certiorarified Mandamus, to call for the records and quash the order passed by the State Information Commission in order No.49260/C/2011 dated 02.02.2012 and direct the State Information Commission to impose fine amount to the respondents 1 and 2 and thereby direct the respondents 1 and 2 to

furnish correct information to the petitioner."

3. The case of the petitioner is as follows:-

According to the petitioner, a suit was filed by his father in O.S.No.164 of 2001, before the District Munsif, Pollachi, challenging the order of the Municipal Council, Pollachi, for enhancement of tax. However, the suit was dismissed by giving liberty to the plaintiff therein, to file an appeal before the Tax Appellate Committee. Thereafter, it appears that the father of the petitioner had died on 14.04.2008 and the petitioner preferred an appeal to the Tax Appellate Committee on 31.12.2008, challenging the enhancement of tax.

4. However, according to the petitioner, he was not aware of the status of the appeal, since the same was not disposed of as far as his knowledge is concerned. Therefore, he filed an application to the second respondent under Section 6(3) of Right to Information Act on 30.06.2011. The application was appeared to be transferred to the first respondent.

5. According to the petitioner, the first respondent had not furnished proper information and an appeal was preferred to the State Information Commission on 01.12.2011. The State Information Commission without dealing with the appeal in proper perspective, had rejected the appeal vide order dated 02.02.2012. The said order is put to challenge in the present writ petition.

6. The learned counsel for the petitioner would submit that the appeal has not been properly entertained by the Commission, however, it could be seen that the State Information Commission which passed an impugned order is not a party before this Court. Moreover, the Commission had stated in the order that the information sought did not come under the purview of the Information Commission and they pertain to the concerned departmental officials, senior officials, while rejecting the application.

7. In the above circumstances, this Court does not find any infirmity in the order passed by the State Information Commission and therefore, the writ petition is devoid of merits and substance and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

gsk

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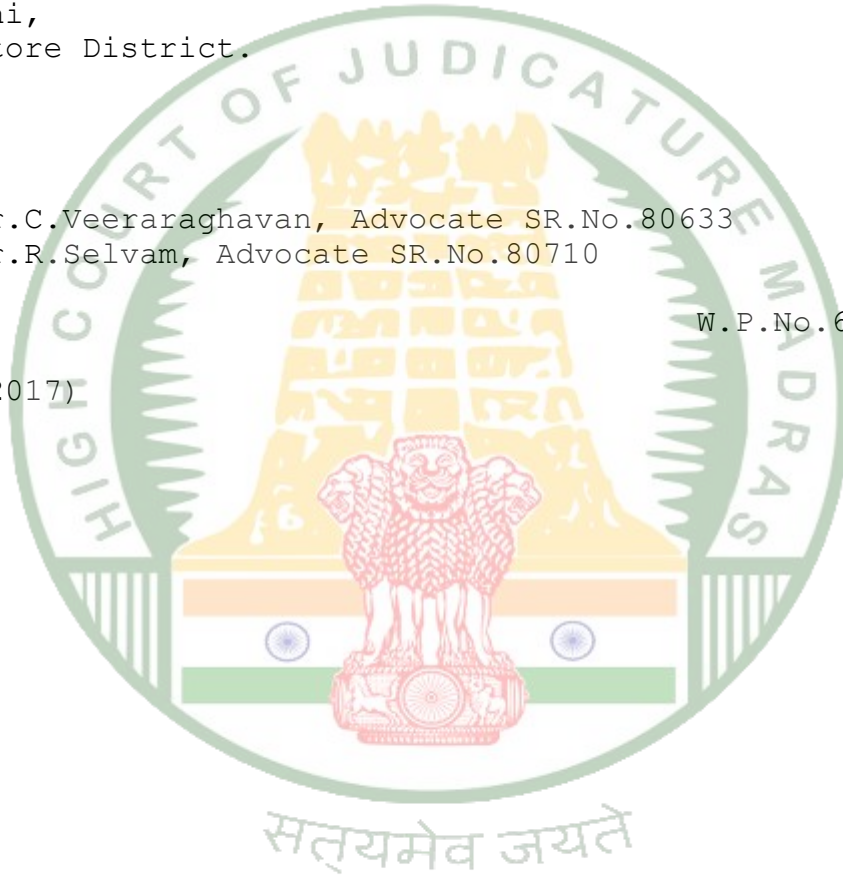
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2.The Public Information/Appellate Officer,  
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Pollachi Municipality,  
Pollachi,  
Coimbatore District.

+1cc to Mr.C.Veeraraghavan, Advocate SR.No.80633  
+1cc to Mr.R.Selvam, Advocate SR.No.80710

W.P.No.6731 of 2012

GN(12/12/2017)



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