

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.27468 of 2016

D. Vijayalakshmi

... Petitioner

Vs

1. The Tamilnadu Information Commission
Rep. by The State Information Commissioner
No.2, Thiyagaraya Street,
(Adjacent to Alaiyamman Temple)
Teynampet, Chennai - 600 018.

2. The Public Information Officer,
Right To Information Act 2005,
Madras High Court,
Chennai - 600 104.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records of the first respondent relating to the impugned order in case No. SA-12689/MA/Tha.Ka.Aa/2015, dated 08.04.2016 passed by the first respondent and quash the same as illegal and arbitrary and consequently direct the second respondent to supply the required information on the receipt of this order.

For Petitioner : Mrs. D.Vijayalakshmi,
Party-in-person

For Respondents : Mr.Niranjan Rajagopalan
for R1

Ms.R.Mithra for R2

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O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of certiorarified mandamus, to call for the records of the first respondent relating to the impugned order in case No. SA-12689/Tamilnadu Information Commission/2015, dated 08.04.2016, passed by the first respondent and quash the same and consequently, direct the second respondent to supply the required information to her.

2.Heard Mrs.D.Vijayalakshmi, appearing in person, the
<https://hcservices.ecourts.gov.in/hcservices/> petitioner, Mr.Niranjan Rajagopalan, the learned counsel for

the first respondent and Ms.R.Mithra, the learned counsel for the second respondent.

3.It is case of the petitioner that on 13.03.2010, she was evicted from her house with the help of Advocate Commissioner, who was appointed by the First Additional District Munsif Court, Coimbatore. Thereafter, the petitioner filed a complaint to the Registrar General of this Court, against the Munsif. She also filed another complaint to the Registrar General of this court in the same matter. The complaints lodged by the petitioner were assigned Roc No.242/2012 and Roc No.15/2014. Thereafter, the petitioner filed a petition under Right To Information Act, 2005, on 09.07.2015, seeking information regarding the complaints made by her.

4. It is also the case of the petitioner that the District Judge, Coimbatore, called her for enquiry and recorded her evidence and also forwarded a detailed report to the Registrar General of this Court. The petitioner sought for a copy of the report given by the District Judge, Coimbatore, from the Registrar General of this Court. Out of five questions raised by the petitioner, the second respondent, the Public Information Officer, Madras High Court had answered the first four questions and declined to give the copy of the report of the District Judge, Coimbatore. Thereafter, the petitioner filed a Second Appeal before the first respondent on 18.01.2016. The first respondent by its order dated 08.04.2016, rejected the appeal stating that adequate freedom and inbuilt safeguard can be provided to the Hon'ble Chief Justice of the High Court in exercising its discretionary powers either to supply information or to deny the information. The first respondent also relied upon the Judgment reported in 2013 W.L.R., 413, (The Registrar General, Madras High Court vs. K. Elango), and observed that as a matter of fact the notings, administrative letters, intricate internal discussions, deliberations etc., of the petitioner/of the High Court cannot be brought under section 2(j) of the Right to Information Act.

5. In view of the Judgment reported in 2013 W.L.R., 413, (cited supra), both the respondents rejected the request of the petitioner in respect of the enquiry report submitted to this Court by the Enquiry Officer, namely, District Judge, Coimbatore.

6. The Divisional Bench of this court has considered the relevant provisions on this aspect and has rendered the judgment, finding that the Registrar General of this Court need not furnish the informations, as sought for by the petitioner. The copy of the enquiry report of the Enquiry Officer, namely, the District Judge, Coimbatore, is not a public document to be provided to the petitioner, the ratio laid down by the Divisional Bench of this court in the above

referred judgment squarely applies to the facts and circumstances of the present case.

In view of the same, the Writ Petition is devoid of merits and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

nl/pbn Sub Assistant Registrar

To

1. The Registrar
Tamilnadu Information Commission
No.2, Thiyagaraya Street,
(Adjacent to Alaiyamman Temple)
Teynampet, Chennai - 600 018.

2. The Public Information Officer,
Right To Information Act 2005,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.G.R.Associates, Advocate, S.R.No.44631

W.P.No.27468 of 2016

CP(CO)
CA(05/07/2017)

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