



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.03.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.4336 of 2017

N.Saravanan

..Petitioner

Vs

1.The Chief Commissioner/2nd Appellate Authority,
The Tamilnadu State Information Commission,
No.2, Thiyagarajar Salai,
Near Alayamman Kovil,
Thenampet,
Chennai - 600 018.

2.The Joint Commissioner/First Appellate Authority,
Hindu Religious and Charitable Endowment Department,
Sivagangai,
Sivagangai District.

3.Shanmugan Chettiar/Public Information Officer,
The Managing Trustee,
Sri Renganatha Perumal Thirukovil,
Devakottai,
Sivagangai District.

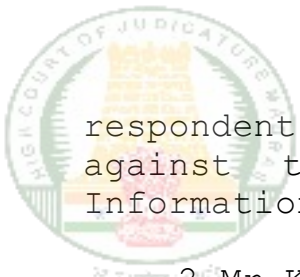
..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in order No.2402/மா.த.த.ஆ/2016 dated 30.07.2016 and to quash the same as illegal and consequently direct the 3rd respondent to pay a fine amount and to take a disciplinary action against the 3rd respondent as contemplated under Right to Information Act in furnishing a willful, incomplete and misleading information.

For Petitioner : Mr.A.Saravanan

For 1st Respondent : Mr.K.K.Senthil**O R D E R**

The Petitioner has approached this Court seeking quash of the impugned order passed by the 1st respondent in order No.2402/மா.த.த.ஆ/2016 dated 30.07.2016, and to direct the 3rd



respondent to pay a fine amount and to take disciplinary action against the 3rd respondent as contemplated under Right to Information Act.

2. Mr. K. K. Senthil, learned Standing Counsel takes notice for the 1st respondent.

3. By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4. According to the petitioner, he approached the Public Information Officer, The Managing Trustee, Sri Renganatha Perumal Thirukovil, Devakottai on 01.09.2015, seeking information regarding details of Administration of Temple Management with relevant records maintained by the Hindu Religious and Charitable Endowment Department for the purpose of production of the documents in Court cases handled by him. It is pertinent to mention here the petitioner is a practising advocate. Number of information has been sought by the petitioner under the Right to Information Act, 2005 (hereinafter referred to as the R.T.I. Act). According to him, his application under R.T.I. Act did not evoke proper response. Therefore, he was constrained to approach the first respondent finally by filing Second Appeal and the Second Appeal was dismissed by order dated 30.07.2016. The said order is impugned in the writ petition.

2. The learned counsel appearing for the petitioner would submit that without proper consideration of the Second Appeal, the same was dismissed and therefore, the impugned order is liable to be interfered with.

3. I have perused the materials on record and the pleadings and particularly the impugned order passed by the first respondent by proceedings No. 2402/மா.த.த.ஆ/2016 dated 30.07.2016.

4. The first respondent dismissed the appeal on the premise that the petitioner being a practising advocate cannot seek information relating to the cases instituted by him on behalf of his client. As a citizen he can personally ask for information but not as an advocate on behalf of his client. The reasoning given by the first respondent cannot be faulted at all. The second appeal filed by the petitioner has been rightly rejected, as otherwise, every practising advocate would invoke the provisions of the R.T.I. Act for getting information on behalf of his client, which situation does not advance the objects of the scheme of the R.T.I. Act. The laudable objects of the R.T.I. Act cannot be used for personal ends and should not become a tool in the hands of the advocate for seeking all kinds of information in order to promote



5. In such circumstances, the order of the 1st respondent, dismissing the Second Appeal filed by the petitioner does not suffer from infirmity and does not call for interference. Therefore, the Writ Petition is devoid of merits and substance and the same is dismissed. There shall be no order as to costs.

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Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

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2. The Joint Commissioner/First Appellate Authority,
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Sivagangai,
Sivagangai District.

+1 cc to M/s.A.Saravanan, Advocate in SR.No. 14660

+1 cc to M/s.V.K.Senthil, Advocate in SR.No. 14775

sj

CSL/SKN-RSK/22.03.2017 : 3P/5C

W.P (MD) No.4336 of 2017**15.03.2017**