

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7939 of 2014

And

M.P.No.1 of 2014

V.Krishnasamy

Petitioner

Versus

- 1.The Public Information Officer,
Office of District Superintendent of Police,
Nallipalayam Post,
Namakkal District.
 - 2.The Public Information Appellate Officer,
Office of District Superintendent of Police,
Namakkal District.
 - 3.The Assistant Registrar,
The State Information Commission,
No.2, Thiyagarayar Salai,
Near Aalaianman Koil,
Teynampet,
Chennai-600 018.
- ... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records from the office of the third respondent herein and to quash the impugned order passed by the third respondent dated 29.7.2013 in Case No.115/Enquiry/F/2013.

For Petitioner : Mr.K.Senthil for M/s.Kumar and Baskar.

For Respondents-1&2: Mrs.A.Sri Jayanthi,
Special Government Pleader.

For Respondent-3 : Mr.Niranjan Rajagopalan for
M/s.G.R.Associates.

ORDER

The order passed by the State Information Commissioner/third respondent, in proceedings dated 29.7.2013, is under challenge in this writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, states that though the informations sought for by the writ petitioner had been provided, required action warranted had not been initiated against the officials concerned.

3. At the outset, the grievance of the writ petitioner is that the irregularities committed by the authorities were not looked into nor an action required has been taken.

4. The learned counsel, appearing on behalf of the third respondent, states that under the provisions of the Right to Information Act, 2005, the Commission can ensure providing of an information sought for by the applicant. In respect of all further actions, the writ petitioner has to approach the competent authority for further action. In other words, the State Information Commission is not responsible nor empowered to initiate action against the officials in respect of their official misconducts. If the informations are not provided, then alone the Commission is competent to initiate action against the officials under the provisions of the Right to Information Act, 2005.

5. This being the powers conferred on the Commission, the Commission cannot exercise its power excessively. The grievance of the writ petitioner is that the authorities competent have not initiated appropriate action against the irregularities of certain officials. If at all the writ petitioner is aggrieved, then it is left open to him to approach the competent authorities for the purpose of initiating action against the erred officials.

6. As far as the order of Information Commission is concerned, the information sought for by the writ petitioner had already been provided and therefore, there is no irregularity or infirmity in respect of the order passed by the third respondent. Accordingly, the writ petitioner is at liberty to approach the competent authority for the redressal of his grievance, if any exist.

7. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/--

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Public Information Officer,
Office of District Superintendent of Police,
Nallipalayam Post,
Namakkal District.

2.The Public Information Appellate Officer,
Office of District Superintendent of Police,
Namakkal District.

3.The Assistant Registrar,
The State Information Commission,
No.2, Thiyagarayar Salai,
Near Aalaianman Koil,
Teynampet,
Chennai-600 018.

+lcc to M/s.Kumar & Baskar, Advocate Sr.No.39085

+lcc to Ms.G.R.Associates, Sr.No.39217

sm:28.6.2018

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सत्यमेव जयते

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