

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 29369 of 2012

and

M.P.Nos.1 to 3 of 2012

C.M.Shanmugasekaran

... Petitioner

vs.

1.The Block Development Officer,
Kangayam, Tiruppur District.

2.The President,
Pazhayakottai Panchayat,
Kangayam, Tiruppur District.

3.The Branch Manager,
Dena Bank, Near Manikoondy,
Erode.

4.The Branch Manager,
Indian Bank, Thittuparai,
Parancher Via,
Kangayam Taluk,
Tiruppur District.

5.P.Saravanan

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.2455/2012/B1, dated 03.10.2012 and quash the same.

For Petitioner : Mr. C.Prakasam

For RR 1 to 4 : No appearance

For 5th Respondent : Mr. M.R.Thangavel

O R D E R

The Writ Petition has been filed by the petitioner for issuance of a writ of certiorari, calling for the records relating to the proceedings in Na.Ka.No.2455/2012/B1, dated

03.10.2012 of the first respondent and to quash the same.

2. The petitioner is running Coconut Fiber Coir Industry at Kangeyam Taluk, Tiruppur District. He had obtained loan from the respondent Nos. 1 to 4 and also obtained building plan approval. The plan approval was sanctioned by the respondent Nos. 1 and 2 and the loan was sanctioned by the respondent Nos. 3 and 4. He had produced his personal records before the respondents for such sanction.

3. It is stated that the 5th respondent is a rival business man and he had threatened the petitioner. The petitioner had therefore lodged a complaint before the Kangeyam Police Station. The 5th respondent then lodged an application under the Right to Information Act, 2005, seeking information of the petitioner relating to his personal loan and business activities. The 1st respondent passed orders in the impugned proceedings in Na.Ka.No.2455/2012/B1, dated 03.10.2012, directing the 2nd respondent, namely, the President, Pazhayakottai Panchayat, Kangeyam, Tiruppur District, to furnish details. The petitioner claimed that the personal information cannot be disclosed to anybody under the Right to Information Act, 2005. He had therefore filed the present Writ Petition seeking to quash the proceedings of the 1st respondent, who had directed the 2nd respondent to furnish the information.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. Section 8 of the Right to Information Act, 2005, provides the exemptions from disclosure of information. Section 8 (d) of the said Act is as follows:-

"(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information."

5. Under the said provision, any information relating to commercial confidence, trade secrets cannot be disclosed. In this case, the petitioner had made a specific averment that the 5th respondent is a trade competitor and the disclosure of information given by the petitioner would seriously prejudice him. Section 8 of the Right to Information Act provides for exemption of providing personal information to a competitor.

6. Taking all these factors into consideration, I hold that the relief sought for in this Writ Petition has to be favourably considered and consequently, the Writ Petition is allowed and

the proceedings of the 1st respondent is quashed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsp/vsg

To

- 1.The Block Development Officer,
Kangeyam, Tiruppur District.
- 2.The President,
Pazhayakottai Panchayat,
Kangeyam, Tiruppur District.
- 3.The Branch Manager,
Dena Bank, Near Manikoondur,
Erode.
- 4.The Branch Manager,
Indian Bank, Thittuparai,
Parancher Via,
Kangeyam Taluk,
Tiruppur District.

+1cc to Mr. M.R.Thangavel, Advocate, S.R.No.77942

W.P.No. 29369 of 2012
and
M.P.Nos.1 to 3 of 2012

SV (Co)
CS/10/12/2018

WEB COPY