

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2018

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.3248 of 2012

K.R.Mohan

... Petitioner

Versus

1.The Tamilnadu Information Commission,
Rep. by its State Information Commissioner,
No.2, Thiyagaraya Salai,
Teynampet,
Chennai-600 018.

2.K.Sakikala,M.A.,
The Public Information Officer,
Gudiyattam Co-op. Urban Bank Ltd., No.C.812,
Gudiyattam,
Vellore District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order of the 1st respondent dated 19.12.2011 in Order No.47382/B/2011 and quash the same and consequently direct the 1st respondent to allow appeal of the petitioner dated 18.11.2011 and to dispose of the same on merits and in accordance with the provisions of the Right to Information Act, 2005.

For Petitioner : Mr.K.Selvaraj

For Respondents: Mr.L.P.Mourya for
M/s.G.R.Associates for R1
Mr.R.Karthikeyan for R2

ORDER

The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 1st respondent dated 19.12.2011 in Order No.47382/B/2011 and quash the same and consequently direct the 1st respondent to allow appeal of the petitioner dated 18.11.2011 and to dispose of the same on merits and in accordance with the provisions of the Right to Information Act, 2005.."

2. The petitioner is an information seeker under Right to Information Act and has approached the second respondent/Information Officer asking for certain information. According to the petitioner, he was a member of the second respondent Society. The second respondent who appears to have submitted information as required and there upon a further information has been sought by the petitioner for which it was replied that the documents as sought are available and the same can be perused by the petitioner himself and be satisfied with the information being made available, however the petitioner not satisfied with the information already furnished to him, was constrained to file an appeal to the first respondent under Section 19 of the Right to Information Act. On consideration of the materials placed on record, the first respondent passed an order dated 19.12.2011, stating that the information which sought by the petitioner were already furnished by the second respondent and it was not open to the petitioner to request the basis of such information, since it does not fall under the purview of the Right to Information Act. The order passed by the first respondent Commission is very clear and the appeal has been disposed of and accordingly rejected the appeal.

3. The order passed by the first respondent Commission is reproduced below:

"As per the Right to Information Act, "Information" can only be asked. In this case information has been furnished. Based on the information received, complaints, appeals, disputing the basis of the information, queries raised thereon and request for redressal of grievance cannot be made under the RTI Act. It does not come under the purview of the Information Commission. They pertain to the concerned departmental officials, their senior officials, and Government and in certain cases to the Court Courts only. Hence, the petition is dismissed."

4. The learned counsel for the petitioner would submit that the first respondent Commission has not taken into account the points raised in the appeal preferred by the petitioner. On the other hand, the learned counsel for the first respondent would submit that the Commission has rightly rejected the appeal preferred by the petitioner on the ground stated in the impugned order.

5. This Court has considered the rival submissions made by both parties and perused the materials and pleadings placed on record.

6. The order impugned in the writ petition does not suffer any infirmity since the petitioner has been furnished whatever he required by the second respondent. Thereafter, the petitioner attempted to enlarge the scope of the queries seeking the basis of such information furnished to him. Therefore, the first respondent Commission rightly rejected the appeal holding that such attempt by the petitioner seeking the basis of information already furnished by the second respondent does not fall within the purview of the Right To Information Act. Therefore, the writ petition fails against the order passed by the first respondent is devoid of merits and substance and therefore, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Tamilnadu Information Commission,
Rep. by its State Information Commissioner,
No.2, Thiyagaraya Salai,
Teynampet,
Chennai-600 018.

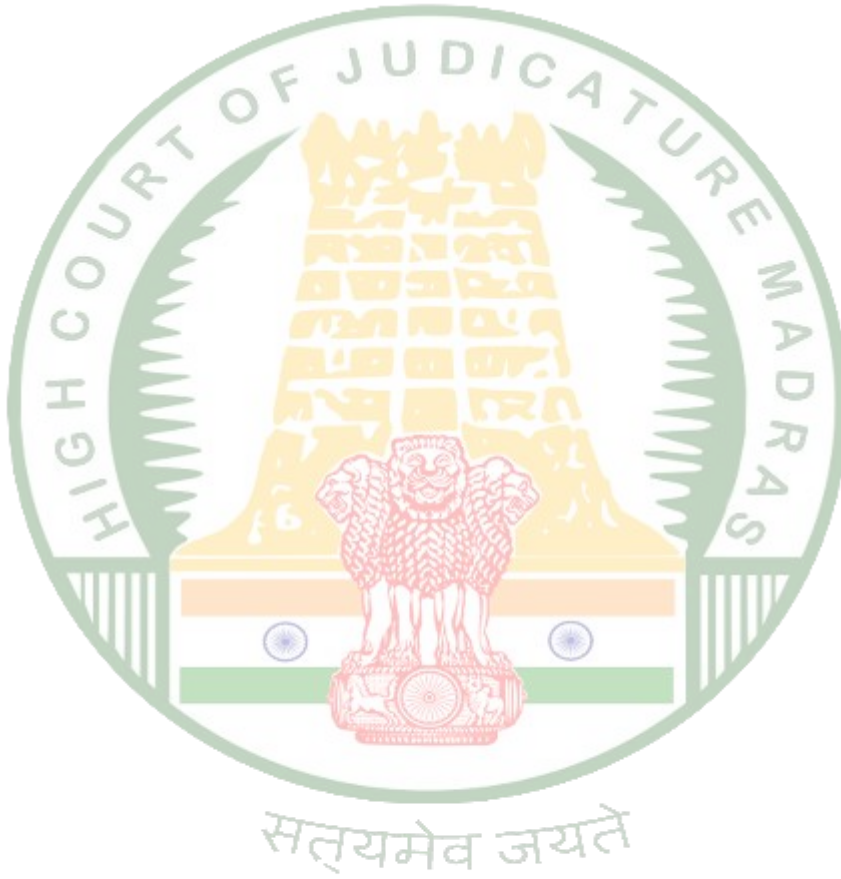
2.K.Sakikala,M.A.,
The Public Information Officer,
Gudiyattam Co-op. Urban Bank Ltd., No.C.812,
Gudiyattam,
Vellore District.

+2cc to Mr.R.Karthikeyan, Advocate, S.R.No.20569 & 20184

+1cc to Mr.G.R.G.R.Associates , Advocate, S.R.No.19541

W.P.No.3248 of 2012 &
M.P.No.1 of 2012

GSP (06/04/2018)



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