

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.13951 of 2009
and
WP.MP.No.1 of 2009

The Public Information Officer,
Superintendent,
K.Abishekapuram Zonal Office,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli. ... Petitioner

Vs

1.The State Information Commission,
Rep., by its Registrar,
I Floor, Kamadhenu Super Market,
New No.378, Anna Salai,
Chennai- 600 018.

2. V.Poonkothai ... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, Order or direction in the nature of writ, calling for the records of the first respondent in case No.4870/Enquiry/2009 dated 30.06.2009 signed on 30.06.2009 and quash the same.

For Petitioner : Mr.P.Srinivas
For Respondents : Mr.Niranjan Rajagopalan
For M/s G.R. Associates for R1

Mr.K.Thilageswaran for R2

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ORDER

The Public Information Officer, Tiruchirapalli City Municipal Corporation, has filed this Writ Petition, to quash the order of the first respondent dated 03.06.2009.

2 Mr.P.Srinivas, Learned counsel for the petitioner would state that the notice for hearing was not served on the petitioner for two hearings and after receiving notice, when he

appeared before the first respondent on 03.06.2009, on that day the impugned order was passed. It is the submission of the learned counsel for the petitioner that he did not receive proper notice and no opportunity was afforded before imposing penalty.

3 Mr.Niranjan Rajagopalan learned counsel for the first respondent made submissions to sustain the order impugned in this Writ petition.

4 On a perusal of the proviso Section 20 of the Right to Information Act, it is evident that a reasonable opportunity shall be given before imposing any penalty. In the case on our hand, it is not in dispute that the first respondent has imposed penalty in contravention of the proviso to Section 20 of the Right to Information Act. Hence the order challenged in the Writ Petition is liable to be set aside.

4 In the result, the Writ Petition is allowed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn

To

The Registrar, State Information Commission,
I Floor, Kamadhenu Super Market,
New No.378, Anna Salai, Chennai- 600 018.

+1 cc to M/s.G.R.Associates, Advocate, Sr.No. 46080

+1 cc to Mr.P.Srinivas, Advocate, Sr.No. 46799

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CSL/02.07.2019

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