

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.18223 of 2013 and
M.P.No.1 of 2013

1 S.Venkateshan
2 V.Ashtalakshmi .. Petitioners

v.

1. Central Information Commission
Club Building (Near Post Office)
Old JNU Campus
New Delhi - 110 067
2. Appellate Authority / Deputy General Manager
Canara Bank, Circle Office
Recovery & Legal Section
524, Anna Salai, Chennai - 600 018
3. Public Information Officer/ Asst. General Manager
Canara Bank, Circle Office
524, Anna Salai
Chennai - 600 018
4. Canara Bank
Park Town Branch
Rep. By its Senior Manager
2, Syedhams Road
Chennai - 600 003 .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the entire records in Decision No.CIC/VS/A/2012/000366/03298 and Appeal No..CIC/VSIA/2012/000366, dated 24.05.2013 on the file of the 1st respondent confirming the decision in CNCRL RTI Appeal 15/2012/ASF, dated 27.04.2012 of the 2nd respondent and CNCRL RTI 73/2012/ASF dated 16.04.2012 of the 3rd respondent and quash the entire proceedings and consequentially issue directions to

the respondents to comply with the application dated 30.03.2012 of the petitioners filed under Right to Information Act within a time frame to be fixed by this Court.

For Petitioners : Mr.N.s.Nandakumar

For Respondents : Mr.Arunkumar - for R3 & R4
for M/s.Sampathkumar Associates

No Appearance - for R2

Not Ready in Notice - R1

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioners have filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 24.05.2013 passed by the 1st respondent confirming the order dated 27.04.2012 passed by the 2nd respondent and the order dated 16.04.2012 passed by the 3rd respondent, to quash the same and consequentially issue directions to the respondents to comply with the application dated 30.03.2012 of the petitioners filed under Right to Information Act within a time frame.

2. The petitioners filed an application dated 30.03.2012 under Right to Information Act before the 3rd respondent calling upon them to furnish copies of 25 documents.

3. The 3rd respondent, by order dated 16.04.2012 rejected the application stating that the petitioners are not third parties seeking information under Right to Information Act and that they have not enclosed any documentary evidence to support their claim. Further, the 3rd respondent observed that the disclosure of information with regard to the third party is not permissible under section 8(1) (j) of RTI Act.

4. Challenging the order passed by the 3rd respondent, the petitioners preferred an appeal before the Appellate Authority, the 2nd respondent. The Appellate Authority, by order dated 27.04.2012, rejected the appeal stating that the petitioners have not made out a prima facie case to establish their rights in the property, which is subject matter of the application.

5. As against the order passed by the 2nd respondent, the petitioners preferred an appeal before the 1st respondent, the Central Information Commission and the 1st respondent also dismissed the appeal concurring with the finding given by the respondents 2 and 3.

6. As against the orders passed by the respondents 1 to 3, the petitioners have filed the above Writ Petition.

7. On a perusal of the application submitted by the petitioners before the 3rd respondent, it is clear that the petitioners have not established their right over the property in dispute. That apart, the petitioners are seeking for the details of the loan transaction availed by some third parties. The respondents 1 to 3 have rightly come to the conclusion that the petitioners are not entitled to get the information under section 8(1) (j) of RTI Act. In the absence of any proof produced before the respondents 1 to 3, the respondents have rightly rejected the application submitted by the petitioners.

8. In these circumstances, we do not find any error or irregularity in the orders passed by the respondents 1 to 3. The Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

Rj

To

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GMV (29/07/2019)



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