

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.20718 of 2010
and M.P.No.1 of 2010

R.Arivalagan

...Petitioner

Vs

1. The District Collector /
Inspector of Panchayats,
Coimbatore, Coimbatore District.

2. Public Information Officer,
Block Development Officer,
Village Panchayat,
Pollachi North,
Coimbatore District.

3. R.Gnanajothi

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the entire records of the impugned order passed by the State Chief Information Commissioner, Tamil Nadu Information Commission, Kamadehu Super Market, 1st Floor, No.273, New No.378, Anna Salai, Teynampet, Chennai 600 018 in case 524/enquiry/10 dated 19.07.2010 and quash the same.

For Petitioner : Mr.C.Veeraraghavan
For Respondents : Mr.B.Anand, G.A., for R1
Mr.R.Ravichandran, for R2
No Appearance, for R3

ORDER

Heard Mr.C.Veeraraghavan, learned counsel for the petitioner, Mr.B.Anand, learned Government Advocate for the first respondent and Mr.R.Ravichandran, learned counsel for the second respondent. Despite service of notice, the respondent has not chosen to appear to contest the Writ Petition.

2. The prayer in the Writ Petition is to issue a Writ of Certiorari to call for the entire records of the impugned order

passed by the State Chief Information Commissioner, in case 524/enquiry/10 dated 19.07.2010 and quash the same.

3. The petitioner was elected as the president of Kurumpapalayam Panchayat in the election held in the year 1996. The third respondent had sought for information by filing an application dated 12.07.2008 under Right to Information Act. The second respondent, who is the Public Information Officer forwarded the same to the petitioner on 28.07.2008 and he had given the information sought for by the third respondent on 23.08.2008.

4. It seems that the second respondent issued a show cause notice dated 06.07.2009 seeking explanation from the petitioner for not furnishing all the information sought for by the third respondent. For which, the petitioner sent a detailed reply on 09.07.2009. The respondents not satisfied with the explanation furnished by the petitioner imposed a cost of Rs.25,000/-. It is also seen that in W.P.No.718 of 2010, the order imposing the cost was challenged and the same was set aside by an order dated 19.01.2010. Thereafter, the present impugned order has been passed.

5. The learned counsel for the petitioner would argue that the third respondent is no way connected with the Kurumpapalayam Panchayat. Despite the same, the petitioner furnished all the informations sought for by the third respondent under the RTI Act. According to the learned counsel, the explanation was elaborate and without considering those explanations, the impugned order has been passed without giving any reason.

6. I have gone through the explanation submitted by the petitioner for the show cause notice issued by the second respondent. On perusal of the impugned order, it is seen that the explanation furnished by the petitioner was not at all considered and without giving any reason, the fine has been imposed on the petitioner. Hence, the order impugned in this Writ Petition is liable to be set aside. Accordingly, it is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

pvs

To

1. The District Collector /
Inspector of Panchayats,
Coimbatore, Coimbatore District.

2. Public Information Officer,
Block Development Officer,
Village Panchayat,
Pollachi North,
Coimbatore District.

+1 CC to Mr.C.Veeraraghavan, Advocate sr 67917

+1 CC to Govt. Pleader sr 68454.

W.P.No.20718 of 2010

RR(CO)
SP(04/10/2019)



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