

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.09.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 32537 of 2012
and
M.P. No. 1 of 2012

R.Vishnu Ram Saravanavel

... Petitioner

-vs-

1. The State Information Commissioner,
State Information Commission,
No.2, Sir Thiagaraya Salai,
Teynampet,
Chennai - 600 018.

2. State Public Information Officer,
Joint-Sub Registrar - I,
Office of Joint Registrar No.I,
Udhagamandalam-643 301,
Nilgiri District.

3. The District Registrar,
K/9/3, Connoor Road,
Udhagamandalam-643 301,
Nilgiri District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the First Respondent herein in order No.12732/B/2012, dated 19.04.2012 and quash the same and consequently, directing the respondents 1 to 3 herein to furnish information (A) to (E) as sought for by the Petitioner in his application dated 14.11.2011 made to the Second Respondent within a time frame fixed by this Court.

For Petitioner : Mr. C.M.Krishnakumar

For Respondents: Mr. Niranjan Rajagopalan,
Standing Counsel (for R1)

Mr. D.Sathyaraj,
Special Government Pleader
(for R2 & R3)

O R D E R
(through video conference)

Heard Mr. C.M.Krishnakumar, Learned Counsel for the Petitioner, Mr. Niranjan Rajagopalan, Learned Standing Counsel appearing for the First Respondents and Mr. D.Sathyaraj, Learned Special Government Pleader appearing for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had made an application dated 13.07.2011 under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act' for short) to the Second Respondent seeking the following information:-

- (A) Total number of Land Registration (Sales/Purchasess) that have taken place in the village of Bokkapuram, (Sholur Panchayat) from 15.11.1991 to 01.07.2001.
- (B) Names of the Executants and Claimants of each such transaction.
- (C) The Document No and Year of each such transaction.
- (D) Sale Value of each such transaction.
- (E) Value of Stamp duty and Registration charges collected for each such transaction.
- (F) Has there been any communication of any kind from the District Collector asking your office to stop registration of Lands that have been notified as "Private Forest" under the Tamilnadu Preservation of Private Forest Act - TNPPF (1949) as published in the Nilgiri Gazette Extraordinary, dated 15.11.1991?
- (G) If so, provide copies of all such communications.
- (H) Has there been any communications of any kind from the Forest Department asking your office to stop registration of Lands that have been notified as "Private Forest" under the Tamilnadu Preservation of Private Forest Act - TNPPF (1949) as published in the Nilgiri Gazette Extraordinary, dated 15.11.1991?
- (I) If so, provide copies of all such transactions.
- (J) Has there been any communications of any kind from any Government Department asking your office to stop registration of Lands that have been notified as "Private Forest" under the Tamilnadu Preservation of Private Forest Act - TNPPF (1949) as published in the Nilgiri Gazette Extraordinary, dated 15.11.1991?
- (K) If so, provide copies of all such transactions.

3. The Second Respondent by letter dated 27.07.2011 informed the Petitioner that Query Nos. (A) to (E) could be answered only if the Survey Numbers for the properties are furnished, and had provided the available information in respect of Query Nos. (F) to (K). In response thereto, the Petitioner by another letter dated 14.11.2011 furnished the Survey Numbers of the properties for receiving the information in respect of Query Nos. (A) to (E).

4. According to the Petitioner, since no reply was received from the Second Respondent thereafter, he had preferred First Appeal under Section 19(1) of the Act, before the Third Respondent, who had by letter dated 19.01.2012 intimated the Petitioner that he could seek the information under the Registration Act, 1908, instead of resorting to the Act. Aggrieved thereby, he preferred Second Appeal under Section 19 (3) of the Act, before the First Respondent.

5. The First Respondent, has by Order No. 12732/B/2012 dated 19.04.2012, rejected that Second Appeal stating as follows:-

"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 Courts only. Hence, the petition is dismissed."

The Writ Petition has been filed challenging the aforesaid order passed by the First Respondent.

6. On perusal of the impugned order passed by the First Respondent, it is evident that the case has been disposed in a cryptic manner without any discussion on any of the queries for which information has been sought by the Petitioner in accordance with the provisions of the Act. It is needless to point out here that there cannot be any generalized refusal and specific reference has to be made to the relevant head in Section 8 of the Act explaining as to why the specific query for the information sought could not be granted. No such exercise has been carried out by the First Respondent in the impugned order passed in the present case.

7. The result of the foregoing discussion is that the impugned order, which cannot be sustained, is set aside and the matter remitted for fresh consideration. The matter shall be listed for hearing before the First Respondent on 03.12.2020, and the Petitioner, the Second and Third Respondents shall appear on that date without fail. If the First Respondent is not in a position to take up the matter for hearing on that date, it shall inform to all parties concerned of the date of hearing to which it is adjourned in the prescribed manner. The First Respondent shall afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice and pass reasoned orders dealing with each of the contentions raised by the parties on merits and in accordance with law. Though obvious, it is made clear that First Respondent shall not be inhibited or influenced by the impugned order, which has been set aside.

Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

msm

To

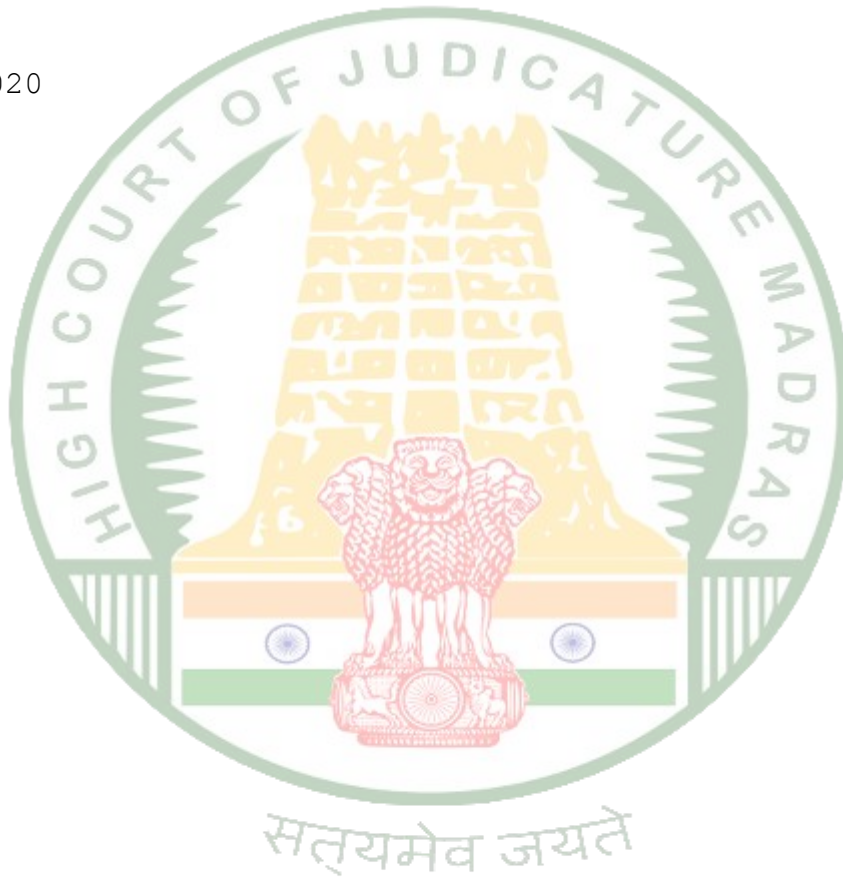
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+1 cc to Government Pleader sr31285

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