



WEB COPY

WP(MD).No.1756 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 24.09.2020

DELIVERED ON : 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WP(MD).No.1756 of 2015 and

M.P(MD).No.1 of 2015

P. Ravisankar

: Petitioner

Vs.

1.The State Information Commissioner,
State Information Commission,
No.2, Theyagarajar Salai,
Tenyampet,
Chennai - 600 018.

2.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

3.The Revenue Divisional Officer,
Musiri Division,
Tiruchirappalli District.

4.The Tahsildar,
Thuraiyur Taluk,
Tiruchirappalli District.

5.Selvam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in Case No.30705/Enquiry/A/2014, dated 21.11.2014, quash the same as illegal and consequently direct the 1st respondent to treat the case as closed and consequently, direct the second respondent herein not to pursue any disciplinary action against the petitioner.

For petitioner

: Mr. W. Pamelin

For R1

: Mr. K. K. Senthil

For R2 to R4

: Mr. J. Gunaseelan Muthiah

Additional Government Pleader



ORDER

This Writ Petition has been filed to quash the impugned order passed by the first respondent in Case No.30705/Enquiry/A/2014, dated 21.11.2014 and consequently, direct the second respondent not to pursue any disciplinary action against the petitioner.

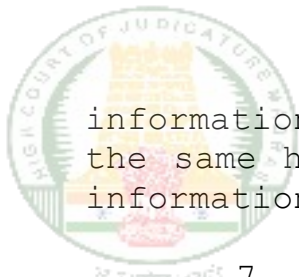
2. The petitioner is a Public Information Officer attached to the Taluk office in Trichy District. One Selvam, S/o. Karunanidhi has made an RTI application, dated 16.06.2014 by asking certain details in respect of patta in Survey No. 58A and the same has been furnished to the applicant on 18.08.2014.

3. Having not satisfied with the reply, RTI applicant filed an appeal before the State Information Commissioner alleging that he has asked for query in respect of four items. However, the said Public Information Officer has furnished in respect of one item and he has enclosed a copy of the RTI application. Both the RTI application has ben filed in typed set of papers.

4. On perusal of the RTI application with the signature of the applicant, it is seen that it contains only one item. However, in the typed set filed along with the RTI appeal before the State Information Commissioner, it is shown as if there are more than two more items. It appears that based upon the copies of typed set furnished by the applicant, the State Information Commissioner has observed that the Public Information Officer viz., the petitioner herein has not furnished the details of Item Nos. 2 and 3 and accordingly, awarded the punishment and hence, the Writ Petition.

5. On perusal of the records it is seen that, based upon the order passed by the State Information Commissioner, the first respondent has passed an order of punishment. However, on perusal of the certified copy of RTI application given by the fifth respondent, he has asked for only one item as an information in his RTI application. However, in the typed set of papers he has given unsigned copies as if he has asked more than three informations, out of which, only one was furnished to him. Based upon the defective or manipulated typed set of papers, the first respondent seems to have passed an order mechanically.

6. As per the direction of this Court, the attested copy of the true RTI application received in the office of Thuckaly Taluk office was produced before this Court along with the seal of the officer, wherein maintaining the petition. As per the said application, dated 06.06.2014 the petitioner sought for information only in respect of one item and the same was admittedly furnished on 18.08.2014 and hence, the order passed by the first respondent is in violation of principles of the natural Justice. Since the



information sought for by the fourth respondent only one item and the same has also been furnished, I do not find any defect in the information given by the petitioner herein.

7. Accordingly, the Writ Petition is allowed and the impugned order passed by the first respondent, dated 21.11.2014 is set aside. No costs. Consequently, connected Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The State Information Commissioner,
State Information Commission,
No.2, Theyagarajar Salai,
Tenyampet,Chennai - 600 018.

2.The District Collector,
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Tiruchirappalli.

3.The Revenue Divisional Officer,
Musiri Division,Tiruchirappalli District.

4.The Tahsildar,Thuraiyur Taluk,
Tiruchirappalli District.

+1 CC to M/s.GP (SR-21025[F] dated 03/11/2020)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-20900[F] dated 03/11/2020)

ORDER MADE IN
WP(MD).No.1756 of 2015
03.11.2020

SE (CO)