

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.5422 of 2021

M.Srinivasan

... Petitioner

Vs.

1. The Tamil Nadu Information Commission,
No.2, Thiyagaraya Salai,
Near Aalayamman Kovil,
Tenampet, Chennai - 600 018.
 2. The First Appellate Authority (Under RTI Act),
Member Secretary,
Chennai Metropolitan Development Authority,
1, Gandhi Irvin Road, Egmore,
Chennai - 600 008.
 3. The Public Information Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irvin Road, Egmore,
Chennai - 600 008.
- ... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to call for the records of the impugned order dated 28.07.2020 passed by the first respondent in S.A.No.2272/SCIC/2019, and quash the same to extent of not imposing any penalty, compensation and recommendation for departmental action against the third respondents and further direct the second and third respondent to

(i) to pay of Rs.250 per day from the date of RTI Application upto the date of on which the third respondent furnished substantial information, i.e., 26.10.2018 to 18.02.2020 which works out to be Rs.1,20,000/- (One Lakh Twenty Thousand) i.e., 480 days X 250 per day, and

(ii) pay compensation to the petitioner of Rs.5,000/- (Rupees Five Thousand) as loss for filing subsequent appeals and attending hearings before the first respondent as well as Rs.1,00,000/- (Rupees One Lakh) as compensation for the detrimental caused to the petitioner for the mental agony and disruption of peace caused by the action of the second and third

respondent for wilfully and wantonly not furnishing the information to the petitioner and

(iii) to direct the first respondent to recommend departmental action against the second and third respondents for not furnishing the information and to furnish the action taken report to the first respondent; and

(iv) to direct the second and third respondents to provide cost for filing this Writ Petition.

For Petitioner : Mr.M.Srinivasan
Party-in-person

O R D E R

The Writ Petitioner seeks to quash the order passed by the State Information Commission in S.A.No.2272/SCIC/2019, dated 28.07.2020 and for consequential direction to impose penalty and to initiate departmental action against the Public Information Officer.

2. From reading of the order passed by the State Information Commission, it is seen that the information required by the petitioner under the Right to Information Act, has already been given by the Public Information Officer and the Second Appeal was disposed of.

3. As such the information sought for by the petitioner has already been provided to him. This Court is of the considered view that no appeal thereafter is maintainable. Insofar as the penal action with regard to delayed action, it is open to the petitioner to approach the Information Commission in the manner known to law. This Court is not in a position to entertain the factual disputes raised by the petitioner.

With the above observation, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

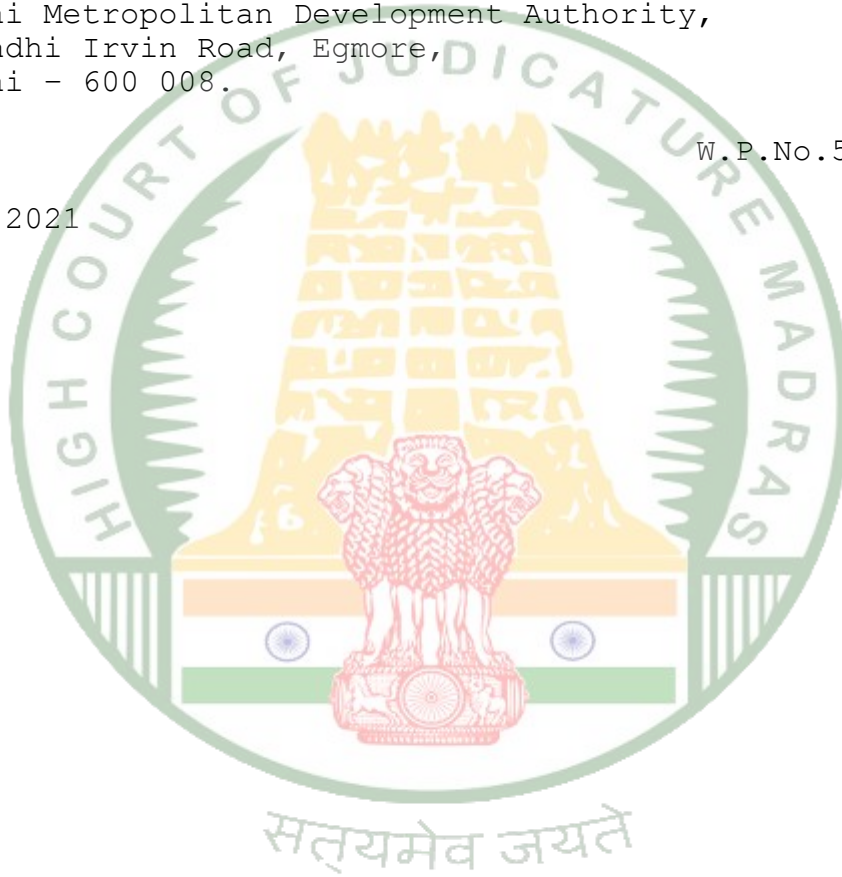
asi

To

1. The Tamil Nadu Information Commission,
No.2, Thiyagaraya Salai, Near Aalayamman Kovil,
Tenampet, Chennai - 600 018.
2. The First Appellate Authority (Under RTI Act),
Member Secretary,
Chennai Metropolitan Development Authority,
1, Gandhi Irvin Road, Egmore, Chennai - 600 008.
3. The Public Information Officer,
Chennai Metropolitan Development Authority,
1, Gandhi Irvin Road, Egmore,
Chennai - 600 008.

W.P.No.5422 of 2021

PMK (CO)
CSR 25.03.2021



WEB COPY