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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-09-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.18111 of 2013

Ayesha Gani

...Petitioner

vs.

1. The State Information Commission,
Assistant Registrar,
Tamil Nadu State Information Commission,
No.2, Theyagaraja Road,
Teynampet, Chennai - 600 018.
2. The Public Information Officer,
Inspection Cell,
Collectorate,
Coimbatore - 18.
3. The District Collector,
Coimbatore District,
Coimbatore.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order in Case No.56299/ Ma.Tha.Tha.A/2012 dated 12.04.2013, served on the petitioner on 16.05.2013 passed by the first respondent, quash the same and further direct the first respondent to impose appropriate penalty on the second respondent under Section 19(8) and 20 of the Right to Information Act, 2005.

For Petitioner : Mr.M.V.Venkataseshan

For Respondent-1 : Mr.Niranjan Rajagopalan for
M/s.G.R.Associates.

For Respondents-2&3 : Mr.K.M.D.Muhilan,
Government Advocate.

O R D E R

The order impugned dated 12.04.2013 passed by the first respondent-State Information Commission, served on the



petitioner on 16.05.2013, is under challenge in the present writ petition and the prayer in the writ petition is to quash the same and further a direction is sought for to impose appropriate penalty on the second respondent-Public Information Officer.

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2. The grievance of the petitioner is that her husband got information from the Government of India and on comparison of the information received from the Government, the petitioner traced out that the information provided by the second respondent is absolutely wrong and misleading one. For furnishing wrong information, the petitioner has filed the present writ petition.

3. Admittedly, the husband of the petitioner, who was working in the Registration Department, faced criminal proceedings under the Vigilance and Anti Corruption Act. Further, the departmental disciplinary proceedings were also initiated against the husband of the petitioner. Finally, the criminal case ended with an order of acquittal and the husband of the petitioner was retired from service.

4. During such process, the petitioner made requests to provide information from the Public Information Officer. In other words, the husband of the petitioner, through his wife, sought information from the Public Information Officer.

5. No doubt, there may be certain variations. However such variations are not admitted by the learned Government Advocate appearing on behalf of the respondents 2 and 3.

6. The learned Government Advocate appearing on behalf of respondents 2 and 3 reiterated that it is a typographical mistake, which was misinterpreted by the petitioner. However, it is to be construed that the writ petitioner received the correct information from the Government and by virtue of the information, the benefits are also granted.

7. This being the factum, and now after a lapse of more than eight years, this Court is not inclined to issue any such direction for the purpose of pursuing this issue, the husband of the petitioner was also trapped in a criminal case and the criminal case ended with an order of acquittal.

8. Considering the facts and circumstances of the case, the relief, as such, sought for in the present writ petition deserves no merit adjudication. If any other grievance exists, the petitioner is at liberty to approach the Competent Authority.



9. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The State Information Commission,
Assistant Registrar,
Tamil Nadu State Information Commission,
No.2, Theyagaraja Road,
Teynampet, Chennai - 600 018.
2. The Public Information Officer,
Inspection Cell,
Collectorate,
Coimbatore - 18.
3. The District Collector,
Coimbatore District,
Coimbatore.

+1cc to Mr.M.V.Venkataseshan, Advocate, S.R.No.50417
+1cc to M/s.G.R.Associates., Advocate, S.R.No.50760
+1cc to the Government Pleader, S.R.No.50844

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PMK[co]
NSK 20/10/2021