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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.30348 OF 2015

Basava Arathya @ Patel

...Petitioner

Vs

1. The Tamil Nadu State Information Commissioner,
No.2, Thyagaraya Salai, Near Alaiyamman Temple,
Teynampet, Chennai 600 018.

2. The Block Development Officer,
Hosur Panchayat Union,
Hosur Taluk, Krishnagiri District.

3. The President, Bagalur Panchayat,
Bagalur, Hosur Taluk, Krishnagiri District.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the third respondent to pay the penalty of Rs.25,000/- in view of Section 20 of the RTI Act and also to pay a compensation to the petitioner for a sum of Rs.2,50,000/- within the time stipulated by this court.

For Petitioner :Mr.C.Prabakaran

For Respondents:Mr.Niranjan Rajagopalan for
M/s.G.R.Associates for R1
Mr.S.Arumugham for R2 & R3
Government Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2.Complaining that the information sought for by the petitioner under the Right to Information Act has not been furnished by the third respondent herein within the stipulated time under the provisions of Right to Information Act, the petitioner seeks for issuance of Writ of Mandamus directing the



Commission to levy penalty under Section 20 of the Right to Information Act.

3. It has been constantly held that a Writ of Mandamus would not normally lie against the public authority, unless the concerned petitioner seeks for such a relief before the authority by way of an application or representation and that this Court would exercise its jurisdiction under Article 226 of the Constitution of India for issuance of Writ of Mandamus only when such request have not been complied with.

4. In the instant case, though the information sought for by the petitioner under the Right to Information Act has been furnished by the third respondent within the stipulated time, he has not made any application to the first respondent herein seeking for penalty, but has directly approached this Court by way of this writ petition. As such, the prayer seeking to direct the respondent to pay penalty, does not require consideration. Nevertheless, if the petitioner is granted liberty to make an appropriate application before the first respondent in this regard, with a consequential direction to the first respondent to consider the same, the ends of justice could be secured.

5. In the light of the above observations, the writ petition stands closed with liberty to the petitioner to file an appropriate application before the first respondent herein ventilating his grievance and on receipt of the same, the first respondent herein shall consider it on its own merits and take further course of action, atleast within a period of 60 days from the date of receipt of such an application. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Tamil Nadu State Information Commissioner,
No.2, Thyagaraya Salai, Near Alaiyamman Temple,
Teynampet, Chennai 600 018.
2. The Block Development Officer,
Hosur Panchayat Union,
Hosur Taluk, Krishnagiri District.



3. The President, Bagalur Panchayat,
Bagalur, Hosur Taluk, Krishnagiri District.

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+1cc to M/s.G.R.Associates, Advocate, S.R.No.50757

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.50466

+1cc to the Government Pleader, S.R.No.50515

W.P.No.30348 of 2015

BR(CO)
PM/27/10/2021