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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.7240 OF 2021

S.Aruchamy

... Petitioner

.Vs.

1. The Commissioner,
The Tamil Nadu State Information Commission,
No.2, Thiyagaraya Road,
Teynampet,
Chennai - 600 018.
2. The Appellate Authority cum
Rural Development Assistant
Director (Panchayat),
Coimbatore Collectorate,
Coimbatore.
3. The Appellate Officer cum
Block Development Officer,
Sulur Taluk,
Coimbatore.
4. The Public Information Officer cum
Deputy Block Development Officer,
Panchayat Union Office,
Sulur Taluk,
Coimbatore.
5. The Panchayat Secretary,
Kalangal Panchayat,
Sulur Taluk,
Coimbatore.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to furnish the bills and vouchers which corresponds to the income and expenditure of Kalangal Panchayat for the years 2012-2013, 2013-2014, 2014-2015 and 2015-2016.



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For Petitioner : Mr.M.Arul Raj
For R1 : Mr.Niranjana Rajagopalan
For M/s.G.R.Associates
For R2 : Mr.K.Tippu Sulthan
Government Advocate
For R3 to R5 : Mr.K.Sathiyamurthi

ORDER

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

2. The petitioner's grievance is that though he had made an application, seeking for certain documents concerning the bills and vouchers corresponding to the income and expenditures of the 5th respondent-Panchayat for the years 2012-2013, 2013-2014, 2014-2015 and 2015-2016, the 4th respondent/Public Information Officer has not supplied them with the copies and hence, the present writ petition has been filed.

3. While the learned counsel for the petitioner would submit that they are entitled for the copies of bills and vouchers corresponding to the income and expenditure of the Panchayat for the required years, the learned counsel appearing for the Panchayat would submit that such bills and vouchers are voluminous in nature and hence, they are unable to produce the same.

4. As per Section 7(9) of the Right to Information Act, 2005, whenever the information sought for would disproportionately divert the resources of the public authority or would be detrimental to the safety and preservation of the records in question, the request could be rejected.

5. In the instant case, the 4th respondent herein had not rejected the request, but has expressed their inability to provide the documents, since they are voluminous in nature.

6. This Court is of the view that, in the light of Section 7 (9) of the Act, if the petitioner is granted liberty to inspect all the bills and vouchers corresponding to the income and expenditure for the years between 2012 and 2016 and take copies of such required bills and vouchers alone, at his cost, the ends of justice could be secured.



7. In the light of the above observations, the petitioner is granted liberty to approach the 4th respondent herein, atleast within a period of 10 days from the date of receipt of a copy of this order, seeking for inspection of the bills and vouchers of Kalangal Panchayat for all the 4 years between 2012 and 2016 and the 4th respondent shall facilitate production of all the bills and vouchers to the petitioner and also provide him with such copies, which are required, at the petitioner's cost, atleast within a period of one week from the petitioner's request.

8. With the above liberty and observations, writ petition stands closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nsa/hvk

To

1. The Commissioner,
The Tamil Nadu State Information Commission,
No. 2, Thiyagaraya Road,
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2. The Appellate Authority cum
Rural Development Assistant
Director (Panchayat),
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4. The Public Information Officer cum
Deputy Block Development Officer,
Panchayat Union Office,
Sulur Taluk,
Coimbatore.



5. The Panchayat Secretary,
Kalangal Panchayat,
Sulur Taluk,
Coimbatore.

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+1cc to Mr.K.Sathiyamurthi, Advocate, S.R.No.43607
+1cc to the Government Pleader, S.R.No.43989

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PMK (CO)
PBS/21/09/2021