



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.10659 OF 2021

G.R.Sekar

... Petitioner

vs.

1. The Government of India,
rep. By its Secretary,
Ministry of Culture,
CSL Shastri Bhavan,
New Delhi - 110 001.
2. The Public Information Officer,
The Kalakshetra Foundation,
Thiruvannamiyur,
Chennai 600 041.

... Respondents

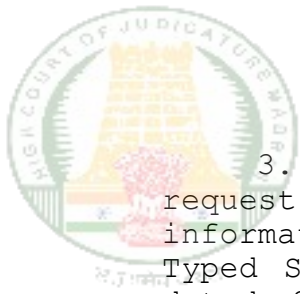
Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 2nd Respondent to furnish the copy of the Award No.11 of 1961, dated 23.10.1961, expeditiously, on the basis of the Petitioner's Application dated 08.03.2021 filed under Right to Information Act, 2005.

For Petitioner	:	Mr.M.Raja Sekhar
For 1 st Respondent	:	Mr.G.Ilangovan
For 2 nd Respondent	:	Mr.Manoj Menon for Mr.Menon Karthik

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the 2nd Respondent to furnish a copy of the Award dated 23.10.1961 vide Award No.11 of 1961, expeditiously, on the basis of his Application dated 08.03.2021 filed under the Right to Information Act, 2005.

2. Heard the learned counsel on either side and perused the material documents available on record.



3. The grievance of the Petitioner is that, he made a request under the Right to Information Act on 08.03.2021 and the information sought for by him has not been furnished. In the Typed Set of Papers filed by the Petitioner, the communication dated 29.03.2021 addressed to the Petitioner by the Central Public Information Officer, Kalakshetra Foundation has been furnished, wherein, it is stated that, the Petitioner is entitled to collect information pertaining to land records from the Sub-Registrar's Office/Revenue Department/Land Acquisition Officers of the Government of Tamil Nadu. When there is a reply given, if the Petitioner is aggrieved, he is entitled to file a First Appeal and in case, if he is unsuccessful, he is entitled to file a Second Appeal.

4. When this Court posed a question to Mr.L.S.M.Hasan Fizal, learned Government Advocate in this regard, he submitted that, the Government is trying to track the records/Award copy and furnish the same to the Petitioner. When Kalakshetra Foundation has no objection for getting the records pertaining to the property, it is the mandatory duty on the part of the Government to furnish the document sought for by the Petitioner.

5. In view of the foregoing discussion, this Court is of the view that, the relief sought for by the Petitioner cannot be granted as such. If the Petitioner has any grievance, he has the right to seek information under the Right to Information Act, but, he cannot circumvent the provisions of the Act and approach this Court by way of a Writ Petition. This case cannot be treated exceptionally. Even assuming if it is so, everyone who seek information under the Right to Information Act, will by-pass the Appeal remedy and knock at the doors of the Court. However, this will not prevent the Petitioner in getting documents from the Government as per the communication dated 29.03.2021 of the Central Public Information Officer, Kalakshetra Foundation.

6. Mr.L.S.M.Hasan Fizal, learned Government Advocate is expected to inform the Sub-Registrar Office/Revenue Department/Land Acquisition Officers concerned of the Government of Tamil Nadu, to furnish a copy of the Award dated 23.10.1961 vide Award No.11 of 1961, as sought for by the Petitioner.

7. It is further made clear that, if any request is made by the Petitioner, the Officer concerned is expected to trace the records and furnish a copy of the document sought for by the Petitioner, within a period of two months from the date of receipt of a copy of this order.

8. It has been brought to the attention of the Court that, Acknowledgments are not given by Officers, who receive



Applications under R.T.I. or Appeals. Officers must give Acknowledgment on receipt of Applications. The Government shall insist the Officers to furnish their Aadhar Number to Applicants, who seek information under R.T.I., while issuing Acknowledgement. In short, details of Aadhar of the Officers shall also find place in the order.

The Writ Petition is dismissed with the above direction and observation. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Secretary,
Government of India,
Ministry of Culture,
CSL Shastri Bhavan,
New Delhi - 110 001.

+1cc to Mr.Menon Karthik, Advocate, S.R.No.33075
+1cc to Mr.M.Raja Sekhar, Advocate, S.R.No.32905
+1cc to Mr.G.Ilangovan, Advocate, S.R.No.32849
+1cc to the Government Pleader, S.R.No.33296

W.P.No.10659 of 2021

NMI (CO)
CS/19/08/2021