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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14398 of 2021

K.Balakrishnan

...Petitioner

Vs

1.The State Chief Information Commissioner,
Tamil Nadu Information Commission,
Block No. 19, Government Farm Village,
Saidapet, Chennai - 600 015.

2.Assistant Director Cum Appellate Authority,
Directorate of Vigilance and Anti Corruption,
293, MKN Road, Alandur, Chennai - 600 016.

3.Public Information Officer cum
Supreintendent of Police,
Central Range,
Directorate of Vigilance and Anti Corruption,
293, MKN Road, Alandur,
Chennai - 600 016.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to furnish the information sought by the petitioner by implementing the order dated 02.11.2020 passed by the 1st respondent in S.A.8524A/2020 under Right to Information Act- 2005.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.S.Arumugham,
Government Counsel

ORDER

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

2. Through the application dated 11.07.2020, the petitioner herein had sought for certain information under the provisions of the Right to Information Act, 2005, pertaining to the dispatch register concerning the deputation of one Mr.Krishnarajan, the then Deputy Superintendent of Police,



Vigilance and Anti Corruption, along with a folder containing screenshot of the e-mail sent. The inaction on the part of the first respondent to consider the petitioner's request has prompted him to file the present writ petition.

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3. The petitioner requires the aforesaid information in connection with a case registered against him in Crime No.6/AC/2018 dated 16.12.2018 by the Deputy Superintendent of Police, Vigilance and Anti Corruption, Namakkal, in which the petitioner is alleged to have been involved in obtaining bribe for release of a sand lorry.

4. The second and third respondents, in their counter affidavit dated 04.08.2021, have stated that they are not in a position to provide the folder containing the screenshot of e-mail sent on 15.02.2018, since it would expose the confidential communications involving third parties also.

5. If that be the case, furnishing of the information relating to the e-mail sent on 15.02.2018 pertaining to the petitioner's request alone, without disclosing the details of e-mails of other third parties, may not be of any impediment to the second and third respondents. Such furnishing of information will also not affect the confidentiality of the third parties, as claimed by them in their counter affidavit.

6. In the light of this observation and on the basis of the statement made by these respondents, the petitioner would be entitled for the information which he has sought for in his application dated 11.07.2020.

7. Accordingly, there shall be a direction to the third respondent to provide the information in connection with the e-mail sent by the Directorate of Vigilance and Anti Corruption on 15.02.2018, insofar as it relates to the petitioner's case alone, within a period of one week from the date of receipt of a copy of this order. The Writ Petition stands allowed, accordingly. No costs.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

hvk/drm



To

1. The State Chief Information Commissioner,
Tamil Nadu Information Commission,
Block No. 19, Government Farm Village,
Saidapet, Chennai - 600 015.

2. Assistant Director Cum Appellate Authority,
Directorate of Vigilance and Anti Corruption,
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3. Public Information Officer cum
Supreintendent of Police,
Central Range,
Directorate of Vigilance and Anti Corruption,
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Chennai - 600 016.

+1CC to Mr.N.Ponraj, Advocate, SR.No. 44458
+1CC to The Government Pleader, SR.No. 44560

W.P.No.14398 of 2021

PA(CO)
B.VC (24/09/2021)