



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

WEB COPY

W.P (MD) No. 5022 of 2021

M.Thanumoorthy

...Petitioner

Vs

1. The State Information Commissioner,
Tamil Nadu Information Commission,
Chennai.
2. The Appellate Authority /
Public Information Officer
The District Educational Officer,
Tenkasi.
3. The Public Information Officer,
St.Michael Girls Higher Secondary School,
Tenkasi, Tenkasi District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issuance of a writ of certiorarified mandamus, to call for records pertaining to the order passed by the 1st respondent in S.A.8919/D/2017 & SA.10367/D/2019, dated 15.12.2020 quash the same and consequently direct the 3rd respondent to furnish information to the petitioner on his application within a time frame fixed by this Court.

For Petitioner

: Mr.D.Geetha

For respondent
No.1

: Mr.K.K.Senthil,

For respondent
Nos.2 & 3

: Mr.J.Gunaseelan Muthaiah,
Additional Government Pleader

ORDER

The petitioner claims to be a retired Government servant and engaged himself in social activities. The grievance of the petitioner herein is that he made an application to the 3rd respondent under the Right to Information Act, seeking information regarding educational tour scheduled by the St.Michael Girls Higher Secondary School, Tenkasi, Tenkasi district by paying necessary fee. However, the 3rd respondent refused to furnish the information sought on the ground that the information is not qualified to be in public interest as per Section 8 of the Right to Information Act.



2.The petitioner therefore, preferred an appeal before the 2nd respondent on 11.09.2017. According to the petitioner that the 2nd respondent directed the 3rd respondent to provide the information, which was not acceded to. Therefore, he had finally approached the 1st respondent with S.A.No.8919/D/2017 and the 1st respondent on 14.05.2018 directed the 3rd respondent to appear in the next date of hearing and the appeal was also adjourned from time to time. In the meanwhile, the petitioner had submitted another application seeking information regarding the strength and fee particulars of the 3rd respondent school. Even the present information sought by the petitioner has not been forthcoming, therefore the petitioner had to approach the appellate authority once again.

3.Ultimately, the order was passed by the appellate authority on 15.12.2020 rejecting the appeal of the petitioner and challenging the same the petitioner is before this Court.

4.The learned Counsel appearing for the petitioner reiterated the above facts and submitted that the information, which has been sought by the petitioner cannot be denied, as it is required in order to expose some misdeed of the school.

5.When this Court has perused the order passed by the 1st respondent, it is seen that the petitioner has been campaigning against the reputation of the school and in fact several attempts had been made by the authority to contact petitioner through telephone, in view of COVID-19 situation, the petitioner cannot be contacted at all. Moreover, it also appears from the order impugned that on obtaining information from the official concerned, the 1st respondent has come to the right conclusion that the petitioner has been needlessly spreading rumours against the reputation of the institution with malicious intention and therefore, the appeal was ordered to be closed.

6.In view of the above averments of the 1st respondent, this Court is not inclined to entertain this writ petition, as the petitioner appears to be mischievous person, claiming himself to be a retired government servant involved in social activities.

7.First of all this Court is not able to appreciate as to how the writ petitioner is interested in getting the information in regard to the 3rd respondent school. Although, the issue of *locus standi* would not apply *per se* in the RTI proceedings, in a recent judgment the Hon'ble Supreme Court has held that in certain matters, such an issue would also be relevant, if any Court finds that the information sought is to be used for malicious purpose and in fact the Hon'ble Supreme Court has held that there is difference between what is public interest and what is interesting to public. Even otherwise, the RTI Act cannot be allowed to be abused for achieving



nefarious ends and in that process no citizen will be allowed to involve in any illegitimate information seeking for achieving collateral purposes.

8. For the above reasons, this Court is of the view that cost should be imposed on the petitioner for approaching this Court with unclean hands.

9. For the above said reasons, the writ petition is dismissed with costs of Rs.5,000/- [Rupees Five Thousand Only] and the writ petitioner is directed to pay the cost within a period of two weeks from the date of receipt of a copy of this order to the Hon'ble Chief Minister's relief fund for treating COVID-19 patients and in case the petitioner does not pay the cost within two weeks, the District Collector concerned is directed to initiate proceedings under the Revenue Recovery Act, for recovering the amount and to pay the COVID-19 relief as directed above.

10. Registry is directed to mark a copy of the order to the District Collector concerned, so as to enable him to take action against the petitioner in case the petitioner does not pay within a period stipulated.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

To

1. The State Information Commissioner,
Tamil Nadu Information Commission, Chennai.
2. The Appellate Authority /
Public Information Officer
The District Educational Officer,
Tenkasi.

Copy To

The District Collector, Tenkasi.

+1 CC to M/s.SPL GP (SR-10090[F] dated 10/03/2021)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-9783[F] dated 10/03/2021)

+1 CC to M/s.D.GEETHA, Advocate (SR-9944[F] dated 10/03/2021)

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SRK(CO)

TR(08.04.2021) 3P 7C

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