



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16335 of 2021

S. Ravi

... Petitioner

WEB COPY

Vs.

1.The Commissioner (Personal Assistant),
Adi Dravidar Welfare Department,
Ezhilagam, Chepauk,
Chennai - 600005.

2.The District Adi Dravidar and
Tribal Welfare Department Officer,
District Collectorate Campus,
Thanjavur.

3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent vide his proceeding in Na.Ka.Aa1/23241/2021, dated 12.08.2021 and quash the same as illegal and consequently direct the third respondent to furnish the information on the petitioner's application dated 23.01.2021 Under Right To Information Act, 2005.

For Petitioner : Mr.A.C.Asaithambi
For Respondents : Mr.P.Subbaraj
Counsel for the State

ORDER

The petitioner challenges an appellate order of the first respondent dated 12.08.2021.

2. The petitioner states that the third respondent issued a free house site patta to persons residing in the Pinnaiyur village, including persons who are not entitled thereto. In relation thereto, the petitioner requested for information from the third respondent on 23.01.2021 under the Right to Information Act, 2005. Such request was rejected by the third respondent on 18.02.2021. An appeal was presented by the petitioner before the second respondent on 02.03.2021. In view of the failure of the second respondent to respond thereto, the petitioner filed an appeal before the first respondent on 06.08.2021. Such appeal culminated in the impugned



order dated 12.08.2021.

3. The petitioner challenges the impugned order dated 12.08.2021 by contending that such order merely reproduces Section 2 (f) of the Right to Information Act, 2005, which defines information. In other words, the contention is that the order is completely unreasoned and does not indicate why the petitioner's request was rejected.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents.

5. Upon examining the impugned order, it is evident that the first respondent has referred to section 2(f) of the Right to Information Act. Section 2(f) contains the definition of information. An authority, including an appellate authority, which receives a request for information under the Right to Information Act, is under an obligation to consider such request and either provide the information requested or indicate cogent reasons in accordance with the Right to Information Act for the refusal to provide such information. In particular, a request for information may be denied on grounds sets out in section 8 of the aforesaid enactment. In addition, if the information relates to a third party, the procedure prescribed in section 11 of the enactment should be followed. In the case at hand, the impugned order merely refers to and sets out the definition of information under section 2(f). Therefore, the impugned order is an unreasoned order, which is unsustainable.

6. For the reasons set out above, the impugned order is quashed. As a consequence, the matter is remitted to the first respondent for re-consideration. The first respondent is directed to re-consider the petitioner's request for information in accordance with the Right to Information Act, 2005 and pass a reasoned order in relation to such request within a period of six weeks from the date of receipt of a copy of this order.

7. W.P.(MD).No.16335 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner (Personal Assistant),
Adi Dravidar Welfare Department,
Ezhilagam, Chempauk,
Chennai - 600005.
 - 2.The District Adi Dravidar and
Tribal Welfare Department Officer,
District Collectorate Campus,
Thanjavur.
 - 3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Thanjavur.
- +1 CC to M/s.SPL. GP (SR-29089[F] dated 15/09/2021)

W.P (MD) .No.16335 of 2021
14.09.2021

PS (CO)
KB(24.09.2021) 3P 5C