



W.P.No.18300 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.18300 of 2013

&

M.P.No.1 of 2013

R.Vijayan

... Petitioner

Vs.

1.The Commercial Tax Officer
Office of the Commercial Tax
Gobald Kane
Rangasamudram
Sathyamangalam-2

2.The Deputy Commissioner (CT)
Office of the Commercial Tax
Brough Road
Erode

3.The State Information Commissioner
Office of the State Information Commission
No.2, Thiyagarayar Salai
Teynampet,
Chennai-600 018
R3 impleaded as per order date
09.12.2014 by VRSJ in
Mps.2 and 3 of 2014 in
W.P.No.18300 of 2013

... Respondents



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PRAYER: Writ petition filed under Article 226 of the Constitution of India

praying to issue a Writ of Certiorarified mandamus calling for the records in respect of the enquiry of the case No.43133 of 2011 altered as case No.4306 of 2013 conducted by the Tamilndau State Information Commission and quash the same and direct the 1st respondent to give the information sought for under The Right to Information Act 2005 with exemplary cost.

For Petitioner : Mr.R.Vijayan

For Respondents : Mrs.K.Vasanth Mala, G.A. (T) for R1 and 2

Mr.Niranjan Rajagopalan for R3

ORDER

Writ Petition has been filed seeking to call for the records in respect of the enquiry of the case No.43133 of 2011 altered as case No.4306 of 2013 conducted by the Tamilndau State Information Commission and quash the same and direct the 1st respondent to give the information sought for under The Right to Information Act 2005 with exemplary cost.

2. It is the case of the writ petitioner that he has sought certain information from the 1st respondent about the yearly statement of the Prasanna Traders for the financial years 1994-95,1995-96,1996-97.



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However, the same was declined. The appeal filed against the same also ended in vain. Therefore, he filed Second Appeal before the State Information Commissioner. However, the State Information Commissioner by impugned order directed the respondent to furnish the copies. The State Information Commission has delayed the information. Therefore, the petitioner has filed the writ petition seeking a direction to the State Information Commission with exemplary cost.

3. It is now submitted by the petitioner that the information as sought has been furnished with delay. However, he has been put into lot of agony and torture all these years and therefore, he seeks compensation.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. The very prayer in the Writ Petition itself is directing the 1st respondent to give information sought under the Right to Information Act, 2005 and no compensation whatsoever is sought. Therefore, the impugned order itself directed the information to be furnished by the 1st



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respondent and now the information has already been furnished, this Court is of the view that the question of awarding compensation does not arise at all. Only when the State Information Commission finding that information has been withheld without any reasonable cause and refused to receive any application or information or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information, the maximum penalty can be twenty five thousand rupees. Whereas the entire impugned order does not speak about any malafide action on the part of the respondents or withheld the documents without any reasonable cause.

6. In such view of the matter, the compensation cannot be ordered in this Writ Petition. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.10.2022

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Internet:Yes

Speaking/Non speaking order



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To

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N. SATHISH KUMAR, J.

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