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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.6583 of 2011

&

M.P.No.1 of 2011

The Superintendent Of Police
Central Range,
Office of The Directorate of
Vigilance and Anti-Corruption,
Chennai - 600 028.

... Petitioner

-Vs-

1. S.A.Arockiadoss,
Inspector of Police (Traffic)
No.8, 'S' Block,
Nariyankadu Police Quarters,
Pudupettai, Chennai 2.

2. The Tamil Nadu Information Commission,
Old No.273, New No.378, Anna Salai,
Teynampet, Chennai -600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the order dated 03.12.2010 made in Case No.28701/Enquiry/2010 on the file of the Tamil Nadu Information Commission, Chennai, the 2nd respondent and quash the same.

For Petitioner : Mr. M.Rajendran
(Additional Government Pleader)

For Respondents: No Appearance

O R D E R

The Tamil Nadu Information Commission passed an order dated 01.12.2010 directing the Vigilance and Anti-Corruption Department to provide information with regard to the progress of the case pending against the applicant. The said order is under challenge by the petitioner on the grounds:



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1. The Vigilance and Anti-Corruption is exempted under Section 24 of the Right To Information Act, 2005.
2. Information sought for is a personal information pertaining to the applicant and not a public information.
3. The applicant himself has access to the information as he is one of the parties to the case.
4. The progress of the Court Case is not a public information to be available to the applicant.

2. Apart from that the applicant/1st respondent has avenue of appeal without exhausting the same, he has preferred the appeal straightaway, before the Tamil Nadu Information Commission on the grounds that the order is sought to be set aside.

3. The applicant is the 1st respondent herein. A Vigilance and Anti-Corruption case was filed against the him and a charge sheet was also filed before the IV Additional Sessions Judge, Chennai. When the applicant/ the 1st respondent herein has been arrayed as an accused in the case pending before the Court of IV Additional Session Court, Chennai, he must appear before the Court and defend the case. He might engage a counsel or appear as a party in person. In that event, he must be aware of the progress of the case. This information pertains to his personal case. The progress of which need not be informed by the opponent. Therefore, the direction to provide information with regard to the progress of the case will not fall under the purview of the RTI Act, and it is a personal information available within the knowledge of the applicant.

4. Learned counsel for the petitioner submitted that as per G.O.Ms.No.158, Personnel and Administrative Reforms (N) Department, dated 26.08.2008, under Sub-section (4) of Section 24 of the Right to Information Act, 2005, they are exempted. It was not considered and no decision on that point was given. But a direction is given to provide information on or before 10.12.2010. Such an order by Tamil Nadu Information Commission, the 2nd respondent herein is without application of mind.

5. Considering these points, this Court is inclined to set aside the order passed by the Tamil Nadu Information Commission dated 03.12.2010. In the result, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar



sha/kpr

To:

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Old No.273, New No.378, Anna Salai,
Teynampet, Chennai -600 018.
2. The Superintendent Of Police
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RSI (CO)
SB(28/06/2022)