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W.P.No.28020 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

W.P.No.28020 of 2015

and

M.P.No.1 of 2015

Ajit Kumar Roy

... Petitioner

Vs.

1.Registrar, Central Information Commission,
2nd Floor, B Wing, August Kranti Bhavan,
Bhikaji Cama Place, New Delhi – 110 066.

2.Vice Chairperson,
First Appellate Authority under RTI,
Inland Waterways Authority of India,
Head office : A-13, Sector-1, Noida – 201 301 (U.P.)

3.Assistant Secretary, (Estt)
Public Information Officer under RTI,
Inland Waterways Authority of India,
Head office : A-13, Sector-1, Noida – 201 301 (U.P.)

4.Officer I/C, IWAI, Chennai
F.14, IMU Campus, East Coast Road,
Chennai – 600 119.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of the impugned order by the 1st respondent dated 27.03.2015 and



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the office memorandum passed by the 3rd respondent dated on 29.07.2015 in No. IWAI/Admn/RTI- CIC hearing/2015 and quash the same and direct the respondents to pay the compensation to the petitioner for an amount of Rs.5.25 Lakhs (Rupees Five Lakh and Twenty Five Thousand Only) for the infringement of fundamental right of the petitioner by denying/delaying the information sought by the petitioner.

For Petitioner : Mr.G.Poonkundran

For R2 to R4 : Mr.S.Diwakar
Senior Panel Counsel

For R1 : No appearance

ORDER

This writ petition is filed for issuance of a writ of certiorarified mandamus to quash the impugned order passed by the 1st respondent, dated 27.03.2015, and the office memorandum passed by the 3rd respondent, dated 29.07.2015, and to direct the respondents to pay the compensation to the petitioner for an amount of Rs.5.25 Lakhs for the infringement of fundamental right of the petitioner by denying/delaying the information sought by the petitioner.



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2.The petitioner was posted at the Sub-Office of the Inland Waterways Authority of India at Chennai, since 26.06.2014. The 1st respondent in the writ petition is the Registrar of Central Information Commission and the Second Appellate Authority under the Right to Information Act, 2015 (“RTI Act” for brevity). It appears from the affidavit filed in support of this petition that the petitioner has made several applications in the prescribed format under RTI Act and sought for information from the 3rd respondent on several occasions.

3.It is the case of the petitioner that the RTI Act contains provisions to impose penalty against the 2nd and 3rd respondents for *mala fide*ly delaying the information to the petitioner and that the 1st respondent, while disposing of the appeals preferred by the petitioner, has not only failed to impose penalty, but also has made remarks against the petitioner in a threatening manner. The 1st respondent, after clubbing 21 of the appeals filed by the petitioner, observed as follows :

“The Commission finds this case to be a classic instance of blatant misuse of RTI Act by relentlessly filing a series of RTI applications to harass the officials of a public authority, by a disgruntled employee of the same organisation. Moreover, the information sought in most of his RTI



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applications has no public interest at all. Still, information has been provided by the respondent authorities as per record on some points and the rest denied for the reason that it is either voluminous or personal in nature or relates to more than one PIO/dept. The appellant, motivated by personal interest, has clearly sought information with the vengeful motive to harass the officers through a flurry of RTI applications. The RTI Act cannot be allowed to be misused or abused and to become a tool of oppression or for intimidation of officials striving to do their duty.

According to the written submission filed by the respondent authority, the appellant has filed around 199 RTI applications since the year 2009 till date. The public authority has already spent inordinately large number of man hours in furnishing the information to the appellant, which in the process would have already impinged on the scarce resources of the organization. The Commission, therefore, is constrained to warn the appellant to be more careful in future, failing which the Commission will be compelled to dismiss his applications without hearing, on the grounds of being vexatious and repetitive and with an ulterior motivate. No further action is warranted, in the above mentioned cases, on the part of the respondent authorities.”

4. Aggrieved by the observations of the 1st respondent while



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disposing of the innumerable appeals filed by the petitioner, the above writ petition is filed.

5.Learned counsel appearing for the petitioner submitted that the 1st respondent/Second Appellate Authority under the Act has to perform his public duty and that it is the duty of every authority sitting as an Appellate Authority to redress the grievances of the petitioner under the Act and not to make unnecessary or unwanted comments to threaten the petitioner.

6.From the appeals filed by the petitioner before the 1st respondent, this Court is able to see that the petitioner has filed innumerable applications under RTI Act either seeking information or documents. It is to be seen that, many of the information sought for relates to the expenses incurred by other officials or employees of the organization in which the petitioner is engaged. The petitioner appears to be a whistle-blower and to achieve his object, appears to have approached the respondents for information. This Court is unable to find any *bona fides* in making hundreds of applications. The entire organization in which the petitioner was employed, is now put to much inconvenience. Considering the conduct and attempt of the petitioner in approaching the respondents under RTI Act, the 1st respondent has made



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observations, which are inevitable. I do not find any explanation from the petitioner or from his affidavit that the information are required for a *bona fide* cause. The 1st respondent has made the observations in the course of discharging his functions, probably because of the way in which the petitioner has approached the respondents repeatedly. Lack of *bona fides* may also be the reason that had prompted the 1st respondent to make such observations.

7.Hence, this Court is unable to find any legal infirmity in the impugned order passed by the 1st respondent. The writ petitioner has gone to the extent of claiming compensation to him to the tune of Rs.5.25 Lakhs for infringement of the fundamental right, even though he has not pointed out in the whole of the affidavit how the fundamental right of the petitioner is infringed in the present context. The petitioner has already caused much inconvenience to the respondents.

8.Therefore, this writ petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

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Internet : Yes

<https://www.mhc.tn.gov.in/judis>



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Index : Yes / No

Speaking order / Nonspeaking order

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To

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2nd Floor, B Wing, August Kranti Bhavan,
Bhikaji Cama Place, New Delhi – 110 066.
- 2.The Vice Chairperson,
First Appellate Authority under RTI,
Inland Waterways Authority of India,
Head office : A-13, Sector-1, Noida – 201 301 (U.P.)
- 3.The Assistant Secretary (Estt),
Public Information Officer under RTI,
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