



W.P.No.4908 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 14.07.2022

PRONOUNCING ORDERS ON : 18.07.2022

Coram:

THE HONOURABLE JUSTICE MR.N.ANAND VENKATESH

W.P.No.4908 of 2015
and MP.Nos.1,2,1,2 of 2015

S.Krishnan

..Petitioner

.Vs.

1. The State Information Commissioner
Tamil Nadu Information Commission
2 Thiagaraya Salai
Near Alaiamman Koil Street
Teynampet Chennai-18.

2. The District Collector
Erode District.

3. R.Velusamy

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the first respondent in his proceedings Case No. 7384/Enquiry/ B/2013 (50696/B/2013) dated 29.1.15 and to quash the same.



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For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.Niranjana Rajagopalan
for M/s.G.R.Associates
for R1

Mr.Tippusulthan
Government Advocate
for R2

Mr.MA.P.Thangavel
for R3

ORDER

This Writ Petition has been filed challenging the Order passed by the 1st respondent through proceedings dated 29.1.2015, wherein a penalty was imposed under Section 20 (1) of the Right to Information Act, 2005 (hereinafter referred to as '**the Act**') and the petitioner was directed to pay a fine of Rs.25,000/- and this amount was directed to be deducted from his salary.

2.The petitioner joined as the Deputy Tahsildar in the headquarters on 15.5.2012 and by virtue of his post, he became the Information Officer. The 3rd respondent submitted a petition seeking for certain information under the Act on 03.05.2012 and this petition was placed before the petitioner on 19.05.2012. On going through the petition, the petitioner found that the petition was more in the nature of a complaint involving a family dispute. Hence, the petitioner through a letter dated 19.05.2012, sent an information to the



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3rd respondent to the effect that the information sought for does not come within the purview of the Act.

3.The 3rd respondent seems to have sent another petition to the 2nd respondent. This petition was forwarded to the Public Information Officer at Bhavani Taluk. Once again this petition was rejected on the ground that the information does not come within the purview of the Act.

4.The 3rd respondent filed an appeal before the 1st respondent and the 1st respondent, after holding an enquiry, passed an order on 11.12.2014. By virtue of this Order, penalty proceedings were initiated against the petitioner. The petitioner gave his explanation on 02.01.2015. On receipt of the same, the 1st respondent passed the impugned Order dated 29.01.2015 and directed recovery of a sum of Rs. 25,000/- from the petitioner. Aggrieved by the same, the present Writ Petition was filed before this Court.

5.Heard Mr.S.Vijayakumar, learned counsel for the petitioner, Mr.Niranjan Rajagopalan, learned counsel for R1, Mr.Tippusulthan, learned Government Advocate for R2 and Mr.MA.P.Thangavel, learned counsel for R3.

6.In the present case, the petitioner as the Public Information Officer, refused to act upon the petition submitted by the 3rd respondent mainly on the ground that the petition was more in the nature of a complaint and while giving such a complaint, some information was



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sought for. The petitioner on going through the application, informed the 3rd respondent that the information sought for will not come within the purview of Section 2 (f) of the Act. The 3rd respondent filed an appeal before the 1st respondent and the 1st respondent through proceedings dated 11.12.2014, directed the issuance of the documents pertaining to the transfer of patta to the 3rd respondent.

7. According to the 1st respondent, the petitioner ought to have furnished the details. According to the petitioner, the information sought for did not fall within the purview of Section 2 (f) of the Act. Under such circumstances, it has to be seen if the Order passed by the 1st respondent imposing penalty comes within the scope of Section 20 (1) of the Act.

8. A plain reading of Section 20 (1) of the Act, makes it obvious that the Commission could impose penalty where an application for information is refused to be received without any reasonable cause or where an information has not been furnished within the time specified under Section 7 (1) of the Act or where the request for information is denied with a mala fide intention or an incorrect or incomplete or misleading information is given. The maximum penalty that can be imposed under this provision is Rs. 25,000/-.

9. In the present case, the petitioner, on reading the application submitted by the 3rd respondent came to a conclusion that it does not satisfy Section 2 (1) (f) of the Act. According to the petitioner, the application was more in the nature of a complaint. However,



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on going through the application, it is seen that at the fag end of the application, the 3rd respondent has sought for details of the person at whose instance the patta was transferred and when it was transferred and a copy was also sought for.

10.Submission of an application under the Act, does not have a strict format and the Public Information Officer is expected to carefully read the application and see if any information and/or copy of documents are sought for. The Public Information Commissioner must provide the information to the extent possible.

11.In the present case, the petitioner has completely rejected the petition on the ground that the petition is in the nature of a complaint. This explanation given by the petitioner was not accepted by the 1st respondent. In view of the same, penalty was imposed under Section 20 (1) of the Act.

12.This is not a case where petitioner was denied an opportunity before the penalty was imposed against him. The petitioner was given an opportunity and he gave his explanation and the explanation was found to be unacceptable by the 1st respondent. Under such circumstances, the penalty was imposed under Section 20(1) of the Act. The said provision clearly contemplates imposition of penalty where the information has not been furnished without any reasonable cause. This Court has already found that the application submitted by the 3rd respondent specifically sought for certain details and copy of the document and this was completely disregarded by the petitioner and he took the entire



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petition to be a complaint. There was no reasonable cause for the petitioner to come to such a conclusion.

13.In view of the above discussion, this Court does not find any illegality or infirmity in the Order passed by the 1st respondent and there is no ground to interfere with the same.

14.In the result, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

18.07.2022

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To

1. The State Information Commissioner
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Near Alaiamman Koil Street
Teynampet Chennai-18.
2. The District Collector
Erode District.



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N.ANAND VENKATESH. J.,

KP

**Pre-Delivery Order in
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