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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33513 of 2014

K.Manickam

... Petitioner

Vs.

1.The Registrar

Tamil Nadu Information Commission,
No.2, Theagarayar Salai, Near Aalai Amman Koil,
Teynampet, Chennai-600018.

2.The Public Information Officer/

P.A. (General) to District Collector, Vellore District.

3.The Assistant Public Information Officer/

Deputy Tahsildar (Head Quarters),
Walajah Taluk,
Vellore District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the 1st respondent in respect of its proceedings bearing Order No.4794/A/2014 dated 10.09.2014 and quash the same and further direct the 3rd respondent to provide free of cost the information asked by the petitioner in his application dated 31.10.2013 made to the 1st respondent.

For Petitioner : Mr.S.Chandra Bose

For Respondents: Mr.Niranjan Rajagoal [R1] for
M/s.G.R. Associates
T.Venkatesh Kumar [R2 and R3]
Special Government Pleader



O R D E R

The order impugned dated 10.09.2014 passed by the Tamil Nadu Election Commission states that the Public Information Officer has furnished information to the petitioner with reference to the application under the Right to Information Act. Thus, the appeal was rejected.

2. The petitioner submitted an application under Section 6 of the Right to Information Act, 2005 (in short 'Act') on 31.10.2013 and the 3rd respondent/the Assistant Public Information Officer sent a reply on 02.12.2013, wherein he stated that the petitioner on any one of the working day shall appear and peruse the records in the office of the 3rd respondent.

3. The learned counsel for the petitioner made a submission that instead of furnishing the xerox copy of the document, the 3rd respondent asked the petitioner to come to the office and verify the records.

4. In this context, it is relevant to considered section 7(9) of the Right to Information Act, which contemplates that "An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question"

5. Certain records cannot be dealt with in the manner the information seeker seeks. The Authorities are duty bound to maintain record in the particular manner and in such circumstances the information seeker is permitted to peruse the records and note down the information for their purpose.

6. In this regard, the learned counsel appearing on behalf of the 1st respondent made a submission that the petitioner is at liberty to attend the office of the 3rd respondent and peruse the records and if necessary, he can request for a xerox copy there itself, which is to be complied by the Public Information Officer.

7. This being the scope of the provision of the Act, the petitioner is at liberty to go to the office of the 3rd respondent/the Assistant Public Information Officer, who in turn shall allow the petitioner to peruse the records and the



permissible documents, if any, shall be provided to the petitioner at his cost. With these directions the writ petition stands disposed of. No costs.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

shr/ska
To

- 1.The Registrar,
Tamil Nadu Information Commission,
No.2, Theagarayar Salai, Near Aalai Amman Koil,
Teynampet, Chennai-600018.
- 2.The Public Information Officer/
P.A. (General) to District Collector,
Vellore District.
- 3.The Assistant Public Information Officer/
Deputy Tahsildar (Head Quarters),
Walajah Taluk, Vellore District.

+1cc to Mr.S.Chandra bose, Advocate Sr.7934

W.P.No.33513 of 2014

mg[co]
srg 15/02/2022