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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.26600 of 2021

B.Bharathi

... Petitioner

vs.

The Tamil Nadu Information Commission-
cum-Second Appellate Authority under RTI Act,
represented by the Secretary,
No.2, Thiyagaraya Salai,
(Near Alaiamman Koil Street),
Eldams Road Junction,
Thenampettai,
Chennai 600 018.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondent to provide all information sought, pay the cost of the Writ Petition and pay a compensation of Rs.15 lakhs.

For Petitioner : Mr.B.Bharathi,
Party-in-Person

For Respondents : Mr.C.Vigneswaran

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondent to provide all the information sought for by him, pay the cost of the Writ Petition and pay compensation of a sum of Rs.15 lakhs.

2. According to the Petitioner, he submitted three RTI Applications to the Public Information Officer-cum-the Assistant Registrar I of Tamil Nadu Information Commission (in short 'TNIC') on 19.09.2017 for obtaining information with respect to (i) TNIC Letter No.PG/RTI ONLINE.dlgs/2013/CCR, dated 01.05.2017 issued by the Registrar, in which TNIC has instructed the Postal



Department not to accept State Government RTI Applications from the Applicant across the counter of the Post Offices; (ii) details regarding appointment of Registrar of Information Commission; (iii) details of penalties imposed against Public Information Officers of various public Authorities by wilful denial of information for the year 2014-2017 and grants obtained from Government of India for celebration of RTI week, etc.

3. As the Petitioner did not receive any reply from the Authorities, he filed three First Appeals before the First Appellate Authority-cum-Registrar, TNIC, Chennai, on 20.11.2017 along with a copy of the complaint to the Second Appellate Authority-cum-Tamil Nadu Information Commission on 20.11.2017. As the First Appellate Authority failed to respond to his First Appeals, the Petitioner filed Second Appeals before the Second Appellate Authority-cum-Tamil Nadu Information Commission on 02.04.2018 by Registered Post.

4. The grievance of the Petitioner is that, even the Second Appeals preferred by him are not registered and numbered. As the Second Appellate Authority/Respondent failed to dispose of his Second Appeals, having no other alternative, the Petitioner is before this Court seeking a direction to the Respondent to provide all information sought for by him, pay the cost of the Writ Petition and pay compensation of a sum of Rs.15 lakhs.

5. The Petitioner/Party-in-Person vehemently contended that, though he filed Second Appeals in the year 2017, the Respondent failed to dispose of the same and has kept them pending for more than three-and-a-half years. He further contended that, the Tamil Nadu Information Commission has a duty to conduct hearings on Appeals and complaints, and pass orders accordingly. But, they have failed in their duties and responsibilities by not conducting Appeals and not furnishing the information sought by him. He went on to state that, he is entitled to a fair compensation from the Officers, who have failed to provide information to him. Hence, the Petitioner prayed for a direction to the Respondent to pay fair compensation to him for the delay in furnishing information.

6. Learned counsel appearing for the Respondent, with reference to Order No.20854/A/2012, dated 02.06.2012 passed by the Tamil Nadu Information Commission, submitted that, TNIC had directed the Registrar not to entertain any of the Petitioner's Appeals/Letters/Petitions, not to permit entry to the Petitioner into the premises, not to entertain him over phone and to initiate contempt proceedings against him. In view of the said communication, the information sought for by the Petitioner was not furnished to him. Hence, according to the learned counsel,



punishing the Authorities in this regard and payment of compensation to the Petitioner, does not arise. Learned counsel also submitted that, the Secretary of Tamil Nadu Information Commission, who refused to furnish information sought for by the Petitioner, has retired from service and that, the new Secretary of TNIC has no hesitation in furnishing the information sought for by the Petitioner.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. Taking note of the submissions of the learned counsel on either side, without expressing any opinion with regard to the contentions of the Petitioner/Party-in-Person, this Court directs the Respondent herein to furnish necessary information sought for by the Petitioner within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Secretary,
Tamil Nadu Information Commission-
cum-Second Appellate Authority under RTI Act,
No.2, Thiyagaraya Salai,
(Near Alaiamman Koil Street),
Eldams Road Junction, Thenampettai,
Chennai 600 018.

W.P.No.26600 of 2021

GPL (CO)
SU (11/02/2022)