



W.P.(MD).Nos.12081, 12521, 14189 and 14190 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).Nos.12081, 12521, 14189 and 14190 of 2012

and

M.P.(MD)Nos.1, 1, 1, 1, 2 and 2 of 2012

W.P.(MD)No.12081 of 2012:

The Public Information Officer/
Additional Superintendent of Police (Crime),
Madurai District.

... Petitioner

Vs.

1.The President,
Tuticorin District Consumer Disputes,
Redressal Forum, Tuticorin.

2.N.Somasundar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Prohibition, to prohibit the Tuticorin District Consumer Disputes Redressal Forum, the 1st respondent herein from proceeding with the C.C.No.134 of 2012 of the 2nd respondent herein.



W.P.(MD).Nos.12081, 12521, 14189 and 14190 of 2012

For Petitioner : Mr.N.Muthu Vijayan
Special Government Pleader

For R1 : No appearance

For R2 : Mr.P.Pethurajesh

W.P.(MD)No.12521 of 2012:

The Public Information Officer/
Additional Director of Geology and Mines,
District Collectorate Compound, Tuticorin. ... Petitioner

Vs.

1.The Tamil Nadu State Information Commission,
Tenampet, Chennai.

2.The President,
Tuticorin District Consumer Disputes,
Redressal Forum, Tuticorin.

3.S.M.A.Ganthimathi Nathan ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Prohibition, to prohibit the Tuticorin District Consumer Disputes Redressal Forum, the 2nd respondent herein from proceeding with the C.C.No.127 of 2012 of the 3rd respondent herein.



W.P.(MD).Nos.12081, 12521, 14189 and 14190 of 2012

For Petitioner : Mr.N.Muthu Vijayan
Special Government Pleader
For R1 : Mr.K.K.Senthil
For R2 & R3 : No appearance

W.P.(MD)No.14189 of 2012:

The Public Information Officer/
Additional Director of Geology and Mines,
Kokkirikulam, Tirunelveli District.

... Petitioner

Vs.

1.The Tamil Nadu State Information Commission,
Tenampet, Chennai.

2.The President,
Tirunelveli District Consumer Disputes,
Redressal Forum, Tirunelveli District.

3.Bramma @ Piramanayagam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Prohibition, to prohibit the Tirunelveli District Consumer Disputes Redressal Forum, the 2nd respondent herein from proceeding with the C.C.No.168 of 2012 of the 3rd respondent herein.

For Petitioner : Mr.N.Muthu Vijayan
Special Government Pleader
For R1 : Mr.K.K.Senthil
For R2 & R3 : No appearance



W.P.(MD).Nos.12081, 12521, 14189 and 14190 of 2012

WEB CO **W.P.(MD)No.14190 of 2012:**

The Public Information Officer/
Additional Director of Geology and Mines,
Kokkirikulam, Tirunelveli District.

... Petitioner

Vs.

1.The Tamil Nadu State Information Commission,
Tenampet, Chennai.

2.The President,
Tirunelveli District Consumer Disputes,
Redressal Forum, Tirunelveli District.

3.Bramma @ Piramanayagam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Prohibition, to prohibit the Tirunelveli District Consumer Disputes Redressal Forum, the 2nd respondent herein from proceeding with the C.C.No.169 of 2012 of the 3rd respondent herein.

For Petitioner : Mr.N.Muthu Vijayan
Special Government Pleader

For R1 to R3 : No appearance



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COMMON ORDER

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The present Writ Petition has been filed challenging the proceedings of the District Consumer Forum, wherein, they have taken on file a consumer complaint filed by a person who sought information under the Right to Information Act. All the complaints have been filed as against the concerned Public Information Officer.

2.The learned Counsel for the petitioner submitted that the services rendered by the Public Information Officers cannot be considered to be a service for consideration and their services are not amenable to the jurisdiction of the Consumer Disputes Redressal Forum.

3.The learned Counsel for the petitioner brought to the notice of the Court a judgment rendered by National Consumer Disputes Redressal Commission reported in **2015 SCC OnLine NCDRC 2**. In Paragraph No. 25 of the said judgment, the National Consumer Disputes Redressal Forum Commission has held as follows:

“25.For the reasons stated hereinabove, we hold that (i) the person seeking information under the provisions of RTI Act



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cannot be said to be a consumer vis-a-vis the Public Authority concerned or CPIO/PIO nominated by it and (ii) the jurisdiction of the Consumer Fora to intervene in the matters arising out of the provisions of the RTI Act is barred by necessary implication as also under the provisions of Section 23 of the said Act. Consequently no complaint by a person alleging deficiency in the services rendered by the CPIO/PIO is maintainable before a Consumer Forum.”

4.In view of the order of the National Consumer Disputes Redressal Commission as aforesaid, a District Consumer Disputes Redressal Forum has no jurisdiction whatsoever, to entertain the complaint as against the Public Information Officer alleging deficiency in service. That apart, there is an implied bar under Section 23 of the Right to Information Act for entertaining such a complaint by any other forum other than the forums contemplated under the Right to Information Act.

5.In view of the above said discussions, all the Writ Petitions stands allowed. The complaints filed before the concerned District Consumer Redressal Forum stands struck off.



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6.With the above said observation, the Writ Petitions are allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

Internet : Yes / No

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Public Information Officer/
Additional Superintendent of Police (Crime),
Madurai District.
- 2.The Public Information Officer/
Additional Director of Geology and Mines,
District Collectorate Compound, Tuticorin.
- 3.The Public Information Officer/
Additional Director of Geology and Mines,
Kokkirikulam, Tirunelveli District.

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R.VIJAYAKUMAR ,J.

Tmg

Order made in
W.P.(MD).Nos.12081, 12521, 14189
and 14190 of 2012

04.07.2022