



W.P.(MD).No.13143 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.13143 of 2012

M.P.(MD)No.2 of 2012

1.The Public Information Officer,
Thoothukudi City Municipal Corporation,
Thoothukudi.

2.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi.

... Petitioners

Vs.

1.Jeya Chandran

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call the impugned records on the file of the 2nd respondent in C.C.No.118 of 2011, dated 17.05.2012 and to quash the same.

For Petitioners : No appearance

For Respondents : No appearance



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ORDER

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The Writ Petition has been filed by the respondents in a consumer complaint as against the award passed by the second respondent District Consumer Redressal Forum.

2.The second respondent District Consumer Forum has entertained a consumer complaint as against the first petitioner, namely, Public Information Officer of Tuticorin City Municipal Corporation and proceeded to pass an award imposing a compensation of Rs.15,000/- (Rupees Fifteen Thousand only) for mental agony and sufferings and a sum of Rs.3,000/-(Rupees Three Thousand only) towards the cost of the proceedings.

3.According to the learned Counsel for the petitioner, the Public Information Officer under the Right to Information Act cannot fall within the jurisdiction of Consumer Redressal Forum and a consumer complaint cannot be raised as against him due to non furnishing of any information or delay in furnishing any information. The learned Counsel for the



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petitioner relied upon 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 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 above said judgment, the second respondent District Consumer Redressal Forum has no jurisdiction whatsoever, to entertain a complaint and hence, the award, dated 17.05.2012, passed in Consumer Complaint No.118 of 2011, is hereby set aside.

5.With the above said observation, the Writ Petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
Tmg

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R.VIJAYAKUMAR ,J.

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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.

Order made in
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