



W.P.(MD)No.14278 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.14278 of 2013

and

M.P.(MD)No.1 of 2013

The Public Information Officer,
District Elementary School Education Office,
S.N.High Road,
Tirunelveli Junction,
Tirunelveli District.

... Petitioner

Vs.

1. The Tamil Nadu State Information Commission,
Teynampet, Chennai.
2. The President,
Tirunelveli District Consumer Disputes
Redressal Forum,
Tirunelveli District.

3. Bamma @ Piramanayagam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the order passed by the second respondent in



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C.C.No.52 of 2013 dated 25.06.2013 and quash the same as illegal

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For Petitioner : Mr.N.Muthuvijayan
Special Government Pleader

For R1 : Mr.K.K.Senthil

For R3 : No appearance

ORDER

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 petitioner, namely, Public Information Officer of District Elementary School Education Office, Tirunelveli District and proceeded to pass an award imposing a compensation of Rs.50,000/- (Rupees Fifty Thousand only) for mental agony and sufferings and to pay the cost of the proceedings.

3.According to the learned Counsel for the petitioner, the Public



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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 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 25.06.2013, passed in Consumer Complaint No.52 of 2013, is hereby set aside.



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5. With the above said observation, the Writ Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

13.07.2022

Index : Yes / No
Internet : Yes / No
jbr

To

1. The Tamil Nadu State Information Commission,
Teynampet, Chennai.
2. The President,
Tirunelveli District Consumer Disputes
Redressal Forum,
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R.VIJAYAKUMAR ,J.

jbr

Order made in
W.P.(MD)No.14278 of 2013

13.07.2022