



W.P(MD)No.7837 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7837 of 2013

and

M.P(MD)No.1 of 2013

The Public Information Officer / Executive Engineer,
Thirunelveli Urban Electricity Distribution,
Executive Engineer Office, V.M.Chatram,
Maharajanagar Post, Thirunelveli District.

... Petitioner

Vs.

1.The District Consumer Disputes Redressal Forum,
Thirunelveli.

2.A.Bramma @ Piramanayagam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 13.03.2013, passed in Consumer complaint No.155 of 2012 on the file of the first respondent and quash the same as without jurisdiction and consequently directing the second respondent to pay a compensation of Rs.2 lakhs to the petitioner.



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For Petitioner : Mr.S.Deenadhayalan

For R-1 : No appearance

For R-2 : Mr.D.Saravanan

ORDER

The present Writ Petition has been filed challenging the award passed by the District Consumer Disputes Redressal Forum, Tirunelveli in Consumer Complaint No.155 of 2012 on the ground that a Public Information Officer under the Right to Information Act can never be considered to be a consumer and not amenable to Consumer Protection Act.

2. 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



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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.”

Thus, State Consumer Disputes Redressal Forum has no jurisdiction to entertain such complaint as against the Public Information Officer under the Right to Information Act.

3. In view of the above said judgment of the National Consumer Commission, the order impugned in the writ petition has been passed without jurisdiction and hence, the writ petition stands partly allowed to the extent of setting aside of the order passed by the District Consumer Disputes Redressal Forum. As far as the prayer for Mandamus for payment of compensation is concerned and the same is rejected. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR, J.

btr

To

The District Consumer Disputes Redressal Forum,
Thirunelveli.

Order made in
W.P(MD)No.7837 of 2013

09.09.2022