

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.09.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.9323 of 2013

and

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

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

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

... Petitioner

Vs.

1.Thulasimani Marbalagan

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 for the impugned records on the file of the second respondent in C.C.No.117 of 2011 dated 17.05.2012 and to quash the same.

For Petitioner : Mr.N.Anandakumar

For Respondents : No Appearance

ORDER

The present petition has been filed challenging an award passed by the District Consumer Redressal Forum, Tuticorin. The petitioner is a Public Information Officer of Tuticorin City Municipal Corporation. In the present writ petition, the award passed by the District Consumer Redressal Forum as against a Public Information Officer is under challenge.

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 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.”

3. In view of the aforesaid judgment, a District Consumer Redressal Forum has no jurisdiction, whatsoever to entertain a consumer complaint as against the Public Information Officer. However, without jurisdiction, District Consumer Redressal Forum has accepted the complaint and passed an award on 17.05.2012. The award is without jurisdiction.

4. Hence, the impugned award is set aside. This writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

09.09.2022

Index : Yes / No
Internet : Yes / No
vsg

R.VIJAYAKUMAR ,J.

vsg

Order made in
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