



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3920 of 2022

K.Alagusundaram

... Petitioner

/Vs./

1.The Tamilnadu Information Commission,
Office at No.19, Government Firm Village,
Nanthanam,
Chennai - 600035.

2.The District Collector,
Office at District Collectorate,
Madurai - 625020.

3.The Public Information Officer,
The Tahsildar Office,
South Taluk,
Office at District Collectorate Campus,
Madurai - 625020.

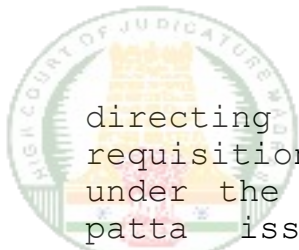
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to execute the order passed by the 1st respondent in Case No.SA.11143/E/2021 dated 15.09.2021 wherein direct the 3rd respondent to furnish the documents as per the requisition of the appellant in his application dated 20.11.2020 under RTI Act , sought for information with regard to the new patta issued by the 3rd respondent in his proceedings in RTR.No.5248/2013 dated 28.02.2014 in respect of the land in Survey No.620/1A, 620/1B situated at Avaniyapuram Village, Madurai District, at the free of cost through RPAD and further direct that he shall report the same after acknowledgment of the appellant within period of 15 days from the date of copy of this order failing which the action shall be taken against the public officer's concern under Section 20(1), 20(2) and 19(8) (b) of the RTI Act.

For Petitioner : Mr.P.Venkatesan
For Respondents : Mr.B.Saravanan (for R1)
Standing Counsel
Mr.D.Sasikumar (for R2 & R3)
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to execute the order passed by the first respondent in Case No.SA.11143/E/2021 dated 15.09.2021 by



directing the third respondent to furnish the documents as per the requisition of the petitioner in his application dated 20.11.2020 under the RTI Act, sought for information with regard to the new patta issued by the 3rd respondent in his proceedings in RTR.No.5248/2013 dated 28.02.2014 in respect of the land in Survey No.620/1A, 620/1B situated at Avaniyapuram Village, Madurai District, at free of cost through RPAD and further shall report the same after acknowledgment of the petitioner within a period of 15 days from the date of receipt of a copy of the order, failing which the action shall be taken against the public officer's concerned under Sections 20(1), 20(2) and 19(8)(b) of the RTI Act, 2005.

2.It is the contention of the petitioner that the order dated 15.09.2021 passed by the first respondent referred to supra has not been obeyed by the third respondent. In such circumstances, he has filed this writ petition. Section 20 of the RTI Act, 2005 is a specific provision for imposition of penalty for disobedience of the order passed by the first respondent.

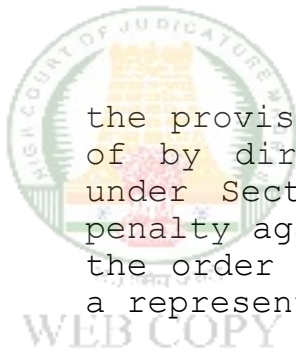
3.In the order dated 15.09.2021 passed by the first respondent, it has been made clear that incase of disobedience of the said order, action shall be taken against the respondent officer concerned under Sections 20(1), 20(2) and 19(8)(b) of the RTI Act. Section 20 of the RTI Act enables the first respondent to take action against the third respondent for the alleged disobedience of the directions issued by the first respondent on 15.09.2021. Instead of approaching the first respondent, the petitioner has filed this writ petition.

4.Therefore, this Court is of the considered view that without exhausting the remedy available under Section 20 of the RTI Act, 2005, the petitioner has pre-maturely approached this Court under Article 226 of the Constitution of India. Hence, the only remedy available to the petitioner is to approach the first respondent and seek for imposition of penalty as per the provisions of Section 20 of the RTI Act, 2005 against the third respondent.

5.The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner may be granted liberty to approach the first respondent for disobedience of the order dated 15.09.2021 passed by the first respondent by the third respondent. The said statement is recorded.

6.The learned counsel appearing for the petitioner further submits that in case the first respondent does not take action against the third respondent, the petitioner may be granted liberty to approach this Court. The said statement is also recorded.

7.After recording the submissions made by the learned counsel appearing for the petitioner and after giving due consideration to



the provisions of the RTI Act, 2005, this Writ Petition is disposed of by directing the petitioner to approach the first respondent under Section 20 of the RTI Act, 2005 seeking for imposition of penalty against the third respondent for the alleged disobedience of the order dated 15.09.2021 passed by the first respondent by giving a representation to the first respondent.

8. On receipt of such representation, the first respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of four (4) weeks from the date of receipt of a representation from the petitioner. If the petitioner is aggrieved by the final orders passed by the first respondent, pursuant to the directions given by this Court, he is at liberty to approach this Court in the near future.

9. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Tamilnadu Information Commission,
Office at No.19, Government Firm Village,
Nanthanam,
Chennai - 600035.

2. The District Collector,
Office at District Collectorate,
Madurai - 625020.

3. The Public Information Officer,
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South Taluk,
Office at District Collectorate Campus,
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+1 CC to M/s.SPL GP (SR-12521[F] dated 16/03/2022)

W.P. [MD]No.3920 of 2022

Dated:

15.03.2022

RK(30/03/2022) 3P 5C

<https://hcservices.ecourts.gov.in/hcservices/>