



W.P.(MD).No.22247 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.22247 of 2015

and

M.P(MD) Nos.1 & 2 of 2015

C.Ponvelraj
Sanitary Inspector,
Municipal Office,
Kayalpattinam Municipality,
Thoothukudi District.

... Petitioner

-VS-

1. The State Information Commissioner,
State Information Commission,
No.2, Theyagarayar Salai,
Tenayampet, Chennai – 600 018.

2. The Municipal Commissioner,
Municipal Office,
Kayalpattinam,
Thoothukudi District.

3. S.Annammal

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to impugned order passed by the first respondent in Case No.38020/Re-Enquiry/D/2013, dated 25.09.2015 quash the same as illegal



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and consequently direct the first respondent to treat the case as closed and direct the second respondent herein not to pursue and disciplinary action against the petitioner.

For Petitioner : Mr.M.S.Jeyakarthick

For R1 : Mr.K.K.Senthil

For R- 2 : Mr.J.Ashok

For R- 3 : Mr.R.Alagumani

ORDER

The present Writ Petition has been filed challenging the order passed by the first respondent herein, under which, the petitioner was imposed with a penalty of maximum of Rs.25,000/- (Rupees Twenty Five Thousand only) for not furnishing information as sought for by the third respondent herein.

2. According to the learned Counsel for the petitioner, he is not the Public Information Officer and only the Manager of the second respondent Municipality is the Public Information Officer. According to the learned Counsel for the petitioner, the Manager of all the Municipalities has been designated as the Public Information Officers and hence, at no point of time, the petitioner, the Sanitary Inspector, is the Public Information Officer of the



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Second Respondent Municipality. However, when information was sought for by the third respondent herein, the petitioner has voluntarily provided certain information and the delay in furnishing information and non furnishing of the information with regard to certain items has resulted in the order impugned in the Writ Petition passed by the first respondent herein.

3. In paragraph No.9 of the impugned order, the first respondent Commission has proceeded to pass 5 orders, out of which, the petitioner is aggrieved over the Clause (4) of the order. In the said Clause (4), the petitioner has been imposed penalty of maximum amount of Rs.25,000/- (Rupees Twenty Five Thousand).

4. The learned Counsel appearing for the petitioner brought to the notice of this Court, the order passed by this Court in W.P(MD) No.17632 of 2014, dated 02.06.2022, in which, this Honourable Court has held that the petitioner herein is not designated as the Public Information Officer of the second respondent Municipality and the said Writ Petition was allowed relating to the complaint lodged by the different Information Seekers.



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5. In view of the above said facts, the Clause (4) of the order impugned in the Writ Petition alone is set aside and the other Clauses in the impugned order are sustained and the Information Seeker or the first respondent is at liberty to proceed further, if the information has not been furnished.

6. With the above said observations, this Writ Petition stands allowed, to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

18.11.2022

Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR,J.

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