



W.P.No.16241 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16241 of 2013
and
M.P.Nos.1, 2 & 3 of 2013

B.Bharathi

...Petitioner

Vs.

1.Tamil Nadu State Information Commission,
No.2, Theagarayar Salai,
Teynampet,
Chennai – 600 018.

2.The Registrar,
Tamil Nadu State Information Commission,
No.2, Theagarayar Salai,
Teynampet,
Chennai – 600 018.

3.The Secretary,
Tamil Nadu State Information Commission,
No.2, Theagarayar Salai,
Teynampet,
Chennai – 600 018.

4.The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of Personnel and Administrative Reforms (AR 3)
Fort St.George,
Chennai – 600 009.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent relating to order No.20854/A/2012 dated 2.6.2012 and quash the same and direct the 2nd respondent to list all the appeals and Complaints filed by the petitioner under RTI Act 2005, which are pending before the 1st respondent for disposal by the 1st respondent in accordance with law and consequentially direct the 3rd respondent to pay a compensation of Rupees One Crore or such other amount which this Honourable court deems fit and proper to the petitioner for the harassment, mental agony and financial loss caused to the petitioner due to the curtailment of his fundamental rights by the 1st respondent by its above Order No.20854/ A/ 2012 dated 02.06.2012 passed without due process of law.

For Petitioner	: Mr.B.Bharathi Petitioner-in-Person
For R1 to R3	: Mr.Niranjan Rajagopalan For M/s.G.R.Associates
For R4	: Mr.T.Arunkumar Additional Government Pleader

ORDER

The writ on hand has been instituted to quash the order passed by the 1st respondent / Tamil Nadu State Information Commission in proceedings dated 02.06.2012.



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2. The petitioner appearing in person through Video-Conferencing, articulated his case by stating that he is prevented from submitting applications and approaching the Tamil Nadu State Information Commission for seeking informations for the purpose of establishing his right. Such a valuable right conferred under the Right to Information Act, 2005 (in short, 'RTI Act') at no circumstances be denied to the petitioner and thus, the order impugned is invalid and liable to be quashed.

3. The order impugned was passed without even issuing any show cause notice to the writ petitioner and such unilateral decision taken by the 1st respondent / Tamil Nadu State Information Commission cannot stand in the scrutiny of law. It is directly in violation of the principles of natural justice. No person can be deprived of his right to seek information under the RTI Act with reference to the provisions of the Act. That being the valuable right conferred by the Act of Parliament, such right cannot be easily denied to the competent authorities including the State Information Commission. No doubt, certain allegations were recorded against the writ petitioner in the impugned order. The frequent telephone calls and visit of the petitioner to the office of the Information Commission caused irritation to the officials during the relevant point of time and certain exchange of words between the



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petitioner and the officials during the course of their official performance resulted in passing of such order. No doubt, every citizen while approaching the State Information Commission has to maintain dignity and respect the officials, who all are working in the said office. Even in certain circumstances, such exchange of words may arise and the said incident alone cannot be a ground to deprive the petitioner from permanently taking away his right, which is otherwise confirmed under the provisions of the RTI Act.

4. The incident occurred 11 years back. The impugned order was passed on 02.06.2012, without even issuing any show cause notice and opportunity to the writ petitioner. The petitioner has undertaken through Video-Conferencing that he will not indulge in any such activities, which would cause inconvenience to the officials of the Tamil Nadu State Information Commission and he will submit all his applications in accordance with the provisions of the Act and by following the procedures. Equally, the 1st respondent / Tamil Nadu State Information Commission also should deal with this application in accordance with the provisions of the Act and furnish the informations to the petitioner as contemplated under the provisions of the Act and Rules.



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5. This being the factum established, the order impugned passed by the first respondent relating to order No.20854/A/2012 dated 02.06.2012 is quashed and the writ petition stands allowed. In respect of the other similar order passed by the Tamil Nadu State Information Commission, the petitioner is at liberty to approach the Commission for appropriate relief. It is needless to state that all the pending applications or appeal, if any filed by the petitioner before the Tamil Nadu State Information Commission, then the authorities of the said Commission shall dispose of the same by following the procedures and in accordance with the provisions of the RTI Act.

6. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes
Speaking order
Neutral Citation: Yes

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To

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S.M.SUBRAMANIAM, J.

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