



W.P.No.19567 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM :

The HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.19567 of 2015

P.Jayavel

.. Petitioner

VS

1.The State Information Commission,
Rep. By its Registrar,
No.2, Theagaraja Road,
Tenampet, Chennai – 600 018.

2.The District Collector,
Tiruvannamalai District.

3.P.Ravi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the first respondent to the proceedings in Case Number 4638/D/2014 dated 13.05.2015, quash the same and consequently forbearing the respondents 1 and 2 or anyone claiming through them from proceeding against the petitioner.

For Petitioner : Mr.P.Srinivas

For Respondents : Ms.S.Sowjanya
for Mr.Niranjan Rajagopalan
for R1
Mr.B.Vijay
Additional Government Pleader
for R2
No appearance for R3



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ORDER

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1. The petitioner claims to have been employed in the Tamil Nadu Municipal Service as Town Planning Officer. An application was filed by R3, who is the private respondent in the writ petition, unrepresented in the hearing, seeking certain information under the Right to Information Act, 2005 (for short 'the Act').

2. The application dated 18.11.2013 was addressed to the Town Surveyor, and a copy of the same was not addressed to the petitioner herein. Thereafter, on the ground that the Town Surveyor has returned the application without receiving the same, R3 makes a complaint before the petitioner on 04.12.2013.

3. Inter-alia there is no reference in the complaint to any of the communications sought for by R3 before the Town Surveyor. In the aforesaid circumstances, the petitioner would claim that he was totally unaware of the request for information till 04.12.2013. He has supplied the information to R3 on 16.12.2013.

4. While this is so, the State Information Commission (in short 'Commission') has recommended disciplinary action be taken



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against the petitioner on the assumption that the petitioner has delayed the supply of information inordinately beyond the period statutorily provided. In coming to this conclusion, the Commission states that the request was received by the petitioner on '20.01.2014' whereas, and in fact, the aforesaid date is the date of presentation of appeal before the Commission.

5. In light of this factual error, I am of the considered view that the basis upon which the Commission has proceeded is factually erroneous. Moreover, and in light of the fact that the information sought for has been supplied by the petitioner on 16.12.2013, there is no merit in the direction issued by the Commission. The order of the Commission to this effect, is set aside and this writ petition allowed. No costs.

24.01.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Registrar,
State Information Commission,
No.2, Theagaraja Road,
Tenampet, Chennai – 600 018.

2.The District Collector,
Tiruvannamalai District.



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DR. ANITA SUMANTH,J.

ssm

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