



WEB COPY



W.P.No.27349 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM :

The HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.27349 of 2015
and M.P.No.2 of 2015

P.Jayavel

.. Petitioner

VS

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

2.Mr.Christopher Nelson IPS (Retd)
State Information Commissioner
No.2, Theagaraya Road,
Teynampet,
Chennai – 600 018.

.. 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 Commission, in order dated 27.05.2015 in Case No.54381/Rehearing/D/2014 (59786/D/2013) and quash the same and consequently forbear the second respondent from in manner proceeding against the petitioner for alleged violation of the Right to Information Act.



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For Petitioner : Mr.P.Srinivas
For Respondents : Ms.Sowjanya
for Mr.Niranjan Rajagopalan
for R1

No appearance for R2

ORDER

1. The challenge is to an order dated 27.05.2015 passed by the State Information Commission / R1.

2. Having heard both parties, I see that, in the operative portion of the impugned order, the Commission has put the cart before the horse. At paragraph 8(1) the Commission has imposed penalty of a sum of Rs.25,000/- in terms of Sections 20(1) and 20(2) of the Right to Information Act, 2005.

3. However at paragraph 8(2), the Commission directs that the authorities cause enquiry into the transactions for which penalty has been imposed. Levy of penalty even prior to the enquiry ordered is, to my mind, pre-mature as the imposition of penalty should follow and not precede the enquiry, if at all.

4. In such circumstances, while not interfering with the impugned order at the present, I direct that the enquiry ordered



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under paragraph 8(2) of the impugned order be commenced and completed within a period of three months from today. The fate of the penalty imposed would depend entirely upon the conclusions to be drawn in the enquiry.

5. With the above directions, this writ petition is closed. No costs. Consequently, Connected miscellaneous petition is closed.

24.01.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The Registrar,
The State Information Commission,
No.2, Theagaraja Road,
Tenampet, Chennai – 600 018.
- 2.The State Information Commissioner
No.2, Theagaraya Road,
Teynampet,
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DR. ANITA SUMANTH,J.

ssm

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