



WP No.29943 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.29943 of 2015

K.Madhavan

.. Petitioner

VS.

1.Public Information Officer,
Bank of Baroda,
Baroda Pride,
No.41, 2nd Floor,
Luz Church Road,
Chennai-600 004.

2.Central Public Information Officer,
General Manager (Tamil Nadu and Kerala Zone),
Baroda Pride,
No.41, 2nd Floor,
Luz Church Road,
Chennai-600 004.



WP No.29943 of 2015

3. Central Information Commissioner,
Room No.305, 2nd Floor,
B-Wing, August Kranti Bhavan,
Bhikaji Cama Place,
New Delhi – 110 006.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order dated 18.06.2014 passed by the third respondent in his file No.CIC/VS/A/2013/000712/SH dated 18.06.2014 and quash the same and consequently direct the respondents to furnish the information sought for by the petitioner in his application dated 11.11.2012, with regard to the mortgage of land in connection with a loan of Rs.100 crores given by the Bank of Baroda to M/s.Sri City Private Limited.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Not Ready in Notice

ORDER

The order passed by the Central Information Commission under the provisions of the Right to Information Act, is under challenge in the



WP No.29943 of 2015

present writ petition.

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2. The petitioner states that he had submitted an application on 11.11.2012 seeking certain informations from the Pubic Information Officer. The petitioner further states that in Mallavaripalem Village, Andhra Pradesh lands measuring about 1000 acres were acquired by the Government of Andhra Pradesh for the specific purpose of establishing a Special Economic Zone for the benefit of the public and allotted to M/s.Sri City Pvt. Ltd., who executed Equitable Mortgage by deposit of title deeds in favour of Bank of Baroda and registered in the Office of the Sub Registrar, Sathyavedu as document No.4287/2010 for a loan of Rs.100 crores and farmers have filed writ petition questioning the acquisition itself.

3. In this context, the petitioner submitted an application on 11.11.2012 under Section 6 of the Right to Information Act, seeking the following informations:-

“a) Market value considered per acre of each



Sy. No of lands in all the Title Deeds deposited for loan of Rs.100 crore to M/s.Sri City Pvt. Ltd.

b) Total extent of land mortgaged and the total market value considered for granting loan of Rs.100 crore.

c) Basis for determining the market value of lands mortgaged.

d) Whether the market value considered for the lands are inclusive of the value of the trees standing in the lands.

e) What is the margin considered by the bank for loan against land mortgage.”

4. The Public Information Officer/first respondent Bank of Baroda rejected the application and refused to provide information on the ground that the information sought for is exempted under Section 8(1)(d) and (e) of the Right to Information Act.

5. Although the writ petitioner preferred an appeal to the second respondent on 18.12.2012, the Central Information Commission, New Delhi



elaborately considered the information sought for by the Information Seeker and made a finding that information sought for by the Information Seeker is concerned with the policy of the National Bank for granting loan against the mortgage of lands acquired by the Government for public purpose and allotted to M/s.Sri City Pvt. Ltd., for public purpose of establishing SEZ for providing employment to public.

6. It is not the case of the petitioner that the land is being put to use different than the one for which it was acquired. The acquisition of lands had already been raised by the petitioner before the High Court.

7. Considering the facts and circumstances, the Central Information Commission formed an opinion that the appellant/petitioner has not substantiated his allegation regarding some irregularity in the grant of loan. Mortgage of land was not the only security in the case of the loan granted to the persons. Therefore, the alleged irregularity cannot become the ground for breach of fiduciary relationship between the bank and their



customers. The land has been mortgaged to the bank for obtaining a loan of Rs.100 crores and the public ought to know the difference between the price of land paid to the farmers and the land value assessed by the bank for granting the loan is the argument advanced.

8. In this regard, the Central Information Commission found that the development work had taken place on the land, since its acquisition in 2006. Therefore, its value at the time of grant of loan would bear no relation to its value at the time of its acquisition in 2006.

9. Considering the facts and circumstances, and the nature of transaction, the Central Information Commission arrived a conclusion that the information sought for by the petitioner is covered under Section 8(1)(d) and (e) of the Right to Information Act. Taking into account, the totality of the submissions and the facts, the appeal was also rejected. The reasons stated by the Central Information Commission is in consonance with the exemption clause contemplated under Section 8(1)(d) and (e) of the Right to



WP No.29943 of 2015

Information Act.

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10. Therefore, this Court is not inclined to interfere with the order passed by the Central Information Commission under the provisions of the Right to Information Act.

11. Accordingly, the present writ petition stands dismissed.
However, there shall be no order as to costs.

20-03-2023

Speaking Order/Non-Speaking Order.
Neutral Citation : Yes/No.
Internet : Yes/No.
Index: Yes/No.
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S.M.SUBRAMANIAM, J.

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WP No.29943 of 2015

To

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