



WEB COPY



W.P.No.12318 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.12318 of 2023

K.Balakrishnan

... Petitioner

Vs.

1. State Chief Information Commissioner,
Tamil Nadu Information Commission,
Block No.19, Government Farm Village,
Nandanam,
Chennai – 600 035.
 2. Assistant Director Cum Appellate Authority,
Directorate of Vigilance and Anti-corruption,
293 MKN Road, Alandur,
Chennai – 600 016.
 3. Public Information Officer cum Superintendent of Police,
North Range,
Directorate of Vigilance and Anti-corruption,
293 MKN Road, Alandur,
Chennai – 600 016.
- Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to furnish the information sought by the petitioner by implementing the



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order dated 23.02.2023 passed by the first respondent in SA 816/SCIC/2023 under Right to Information Act 2005.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.C.Vigneswaran RTI
Commission, Standing counsel
for R1

Mr.U.Baranidharan
Additional Government Pleader
for R2 and R3

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the third respondent to furnish the information sought by the petitioner by implementing the order dated 23.02.2023 passed by the first respondent in SA 816/SCIC/2023 under Right to Information Act 2005.

2. Mr.N.Ponraj appears for learned counsel for on behalf of the petitioner, Mr.C.Vigneswaran, learned Standing counsel RTI Commission accepts notice on behalf of the first respondent, Mr.U.Baranidharan, learned Additional Government Pleader accepts notice on behalf of the respondents 2 and 3.



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3. It is the case of the petitioner that, the petitioner has been working as a Tahsildar in Namakkal District from the year 2015 to 2018. On 16.02.2018, the Deputy Superintendent of Police, Vigilance and Anti-corruption, Namakkal registered a case against the petitioner in Crime No.6/AC/2018 for the alleged offence under Section 7 of the Prevention of Corruption Act, 1988. It is alleged that a false case has been foisted against the petitioner, as he seized the lorry of the erstwhile DSP, Krishnagiri which was involved in sand theft. In this regard the petitioner has sought for list of officials in trap team formed on 17.02.2018 by the Vigilance and Anti-corruption to entangle the petitioner from the false case under RTI Act through a petition dated 10.10.2022 before the third respondent, but same was rejected. Challenging the same, the petitioner preferred an appeal before the second respondent, which was also refused by the second respondent, due to which the petitioner preferred second appeal before the first respondent and the same was numbered as SA 816/SCIC/2023, wherein the first respondent vide order dated 23.02.2023, directed the third respondent to provide the information sought for by the petitioner before 20.03.2023. In spite of the same, the



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third respondent did not furnish any information to the petitioner. Hence the present writ petition.

4. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the third respondent to implement the order dated 23.02.2023 passed by the first respondent within the time frame that may be stipulated by this Court.

5. Learned counsel appearing for the respondents submits that if the order passed by the first respondent is violated, there is a remedy available to the petitioner to file an application under Section 18(2) of the Right To Information Act, 2005 before the first respondent, however, without availing such remedy, filing the above writ petition is not sustainable. Accordingly, he prayed for passing appropriate orders.

6. Heard learned counsel appearing on either side and perused the materials placed before this Court.



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7. As rightly pointed out by learned counsel appearing for the respondents, if the order passed by the first respondent is violated, there is an alternative remedy available to the petitioner to file an application under Section 18(2) of the Right To Information Act, 2005 before the first respondent, without doing so, filing the present writ petition seeking a mere direction to the third respondent to implement the order passed by the first respondent dated 23.02.2023 is not sustainable. In view of the aforesaid reason, the prayer sought for by the petitioner cannot be granted. Accordingly, this writ petition is dismissed with liberty to the petitioner to file an appropriate application before the first respondent under Section 18(2) of the Right To Information Act, 2005. No costs.

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Index : Yes / No

Speaking order / Nonspeaking order

Neutral Citation Case : Yes / No

(rap)

To



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M.DHANDAPANI, J.

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