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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.15272 of 2020

The Commissioner,
Tiruchengode Municipality,
Tiruchengode, Namakkal District.

... petitioner

-Vs-

1. The State Information Commission,
Represented by its Registrar,
No.2, Theagaraja Road,
Tenampet, Chennai.

2. K.Balasubramaniam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari calling for the records of the first respondent in case No.SA 9126/D/2019 dated 04.10.2019 and quash the same.

For petitioner : Mr. P.Srinivas

For Respondent : Mr.C.Vigneswaran R1
Mr.T.Muruganantham R2

ORDER

This petition has been filed seeking to quash the order passed by the first respondent in case No.SA 9126/D/2019 dated 04.10.2019.



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2. The case of the petitioner is that the petitioner is the commissioner of the Tiruchengode Municipality, Tiruchengode. The second respondent has submitted an application under the Right to Information Act seeking for the particulars regarding the application submitted by his father Mr.M.Kandasamy for the approval of the plot No.23, Seetharampalaiyam, S.No.90/1, Block No.8, Ward No.A, TSLR No.49 and Town patta No.798 in 2006. Before giving the reply, the second respondent has filed an appeal before the first respondent. The first respondent, non application of mind, has passed an order on 04.10.2019, imposing a sum of Rs.50,000/- on the petitioner for the delay of 13 years to furnishing the information to the second respondent. Challenging the said order of the first respondent, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the fine amount imposed against the petitioner in favour of the second respondent for not providing the information regarding approval of the plot No.23, Seetharampalaiyam, S.No.90/1, Block No.8, Ward No.A, TSLR No.49 and Town patta No.798 in 2006, which was purchased by the petitioner's father, is not sustainable one and the petitioner has not made any default in this issue.



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4. The learned counsel for the second respondent submitted that this Court may direct the petitioner to receive the application from the second respondent for approval of his plot and he has paid the development charges already and he is ready to pay the remaining charges if any.

5. Considering the facts and circumstances of the case, this Court directs the second respondent to make a fresh application along with necessary document to the petitioner for approval of the plot within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such application, the petitioner shall process the same, after deducting a sum of Rs,4800/- with 8% interest from year 2006 till 07.07.2023 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of the said application. The cost imposed on the petitioner by the first respondent is deleted. The second respondent is directed to pay the balance fee if any. If the petitioner fails to pass an order within a period of eight weeks, he shall pay a sum of Rs.50,000/- to the second respondent within a period of two weeks thereafter.



6. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is also closed.

27.06.2023

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To
The State Information Commission,
Represented by its Registrar,
No.2, Theagaraja Road,
Tenampet, Chennai.



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M.DHANDAPANI, J.

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