



WEB COPY



W.P. No. 25349 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 25349 of 2021
and
W.M.P. No. 26773 of 2021**

M.Mahalakshmi

... Petitioner

-VS-

1. The State Information Commission
No.2, Thiyagaraya Road
Teynampet, Chennai – 600018.
2. The Inspector General of Registration
No. 100, Santhome High Road
Chennai – 600 028.
3. V.Manohar

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the order dated 17.11.2021 passed by the First Respondent in Case No. SA 003/SCIC/2020 and to quash the same.

For Petitioner : Mr. V.R.Thangavelu

For Respondents : Mr. C.Vigneswaran (for R1)

Mr. Mohamed Sathiik, GA (for R2)

Mr. V.Manohar (R3 – Party-in-person)



W.P. No. 25349 of 2021

ORDER

WEB COPY

Heard Mr. V.R.Thangavelu, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Counsel appearing for the First Respondent, Mr. Mohamed Sathik, Learned Government Advocate appearing for the Second Respondent and Mr. V.Manohar, the Third Respondent appearing Party-in-Person and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner relates to the imposition of penalty of Rs. 25,000/- on her as Public Information Officer of the Registration Department for delayed furnishing of information sought by the Third Respondent in the exercise of powers under Section 20(1) of the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act' for short) in the order dated 17.11.2021 in Case No. SA003/SCIC/2020 passed by the First Respondent, which is impugned in this Writ Petition.

3. It is borne out from the materials placed on record that the Third Respondent had raised several queries in 15 applications seeking information from the Petitioner as Public Information Officer. The First Respondent arrived



W.P. No. 25349 of 2021

at the conclusion that in respect of the query raised by the Third Respondent as to the period for which backup of recordings from IP cameras in the Sub-Registrar Offices in the State of Tamil Nadu would be available, the Petitioner had mistakenly replied as 30 days instead of four months in the Circular No. 47757/CS1/2011 dated 28.09.2013 and one year in the Circular No. 36830/CS1/2018 dated 08.01.2019 sent by the Second Respondent. According to the Petitioner, the compact disc containing the copy of the recording taken up from the backup relating to a registration of a supplementary document executed by the father-in-law of the Third Respondent on 20.12.2018 had been supplied as sought by him, meaning thereby that the mistaken reply to the query did not result in any form of loss to him. It is sought to be emphasized that except for that insignificant mistake, all other replies to the queries raised had been properly answered and the Third Respondent was not prejudicially affected in any manner whatsoever.

4. Having regard to the aforesaid contentions raised, it must be noticed that the power to impose penalty has been conferred on the State Information Commission only when the Public Information Officer has 'knowingly' given incorrect, incomplete or misleading information or destroyed information which was the subject matter of the request or obstructed in any manner furnishing the



W.P. No. 25349 of 2021

information. The First Respondent has not recorded any satisfaction that the incorrect information furnished by the Petitioner to the Third Respondent had been given 'knowingly', which would obviously vitiate the impugned order. Consequently, the impugned order insofar as it relates to imposition of penalty of Rs. 25,000/- on the Petitioner for furnishing incorrect information without establishing that it was 'knowingly' given to the Third Respondent, which cannot be sustained, is set aside.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

15.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

pal

To

1. The State Information Commission
No.2, Thiyagaraya Road
Teynampet, Chennai – 600018.
2. The Inspector General of Registration
No. 100, Santhome High Road
Chennai – 600 028.



WEB COPY



W.P. No. 25349 of 2021

P.D. AUDIKESAVALU, J.

pal

W.P. No. 25349 of 2021

15.12.2023