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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.10431 of 2017

K.Petchimuthu

...Petitioner

-Vs-

1. The Registrar
   (Appellate Authority under RTI Act)
   Tamilnadu Information Commission,
   No.2,Theagaraya Salai ,
   Teynampet, Chennai - 600 018.

2. The Public Informatic Officer,
   Tamilnadu Information Commission,
   No.2, Theagaraya Salai,
   Teynampet, Chennai - 600018.

3. Mrs. Devi

...Respondents

[R.3 impleaded vide order dated 22.02.2023 made in WMP.No.10431/2017 by ASMJ]

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Prayer:- Writ petition filed under Article 226 of the Constitution of India to call calling for the records of the 1st respondent under letter No.11731/ Registrar / 2016 dated 10.05.2016 and to quash the same and to direct the respondent to furnish the certified copies of the documents as sought for by the petitioner through his letter dated 04.02.2015 to the 2nd respondent.

For Petitioner : M/s.A.R.Sakthivel.

For Respondent : Mr.Niranjan Rajagopalan [R.1 & R.2]
: Not ready in notice [R.3]

O R D E R

The order impugned dated 10.05.2016 passed by the 1st respondent is sought to be quashed in the present writ petition.

2. The grievances of the writ petitioner is that the 3rd respondent submitted an application seeking certain information in respect of the property details of the writ petitioner and also the property tax assessments and the tax paid by the writ petitioner. The 2nd respondent furnished the information regarding the property details of the petitioner to the 3rd respondent.

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3. In this context, the writ petitioner approached the 2nd respondent under the RTI Act to furnish a copy of the appeal filed by the 3rd respondent seeking information in respect of the properties owned by the petitioner and the property tax details paid by the petitioner. The 2nd respondent rejected the application in letter dated 18.11.2015. The petitioner preferred an appeal to the Tamil Nadu Information Commission and the Commission by letter No.11731/ Registrar / 2016 dated 10.05.2016 also confirmed the rejection order passed by the Public Information Officer in his proceeding dated 18.11.2015.

4. The Tamil Nadu Information Commission is not exempted from the RTI Act to provide the information sought by the petitioner. If the copy of the application or the appeal has been sought for by the person against whom such application is filed or the information seeker has sought for certain information relating to such person, then such persons are entitled to get the copy of the appeal to know about the contents in the appeal or the allegations raised against the person in the appeal. The Tamil Nadu Information Commission is also bound to follow the principles of transparency in dealing with the appeals. The copy of the appeal must be

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provided to the person against whom the informations are sought for by the information seekers.

5. In the present case, the 3rd respondent/information seeker sought for the information relating to the property of the petitioner. Those information were provided to the 3rd respondent under the RTI Act. When the petitioner submitted an application to provide the copy of the appeal filed by the 3rd respondent, the said application was rejected which is in violation of the very purpose and object of the scheme of RTI Act. The petitioner is entitled to know about the allegation or the contents raised against him or relating to his property by the 3rd respondent in her appeal.

6. Thus, the order passed by the Tamil Nadu Information Commission is not in consonance with the spirit of the RTI Act and they have to provide information by affording opportunity to the writ petitioner and by following the procedures as contemplated under the RTI Act. Accordingly, the respondents 1 and 2 are directed to ensure that the procedures as contemplated are followed by entertaining the application submitted by the writ petitioner and accordingly take an appropriate decision in the manner known to law.

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7. Accordingly, the order passed by the 1st respondent/The Registrar (Appellate Authority under RTI Act) Tamilnadu Information Commission, in Proceeding No.11731/Registrar/2016 dated 10.05.2016 is quashed and the writ petition stands allowed. No costs.

(shr) 27.03.2023

Index : Yes/No
Speaking / Non Speaking Order
Neutral Citation : Yes/No

To

1. The Registrar
   (Appellate Authority under RTI Act)
   Tamilnadu Information Commission,
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S.M.SUBRAMANIAM. J.,

(shr)

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