



W.P.No.33813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33813 of 2022

And

W.M.P.No.10178 of 2023

B.Loganathan

... Petitioner

Vs.

1.The State Information Commissioner,
Tamil Nadu State Information Commission,
No.19, Government Estate House,
Pernpet, Nandanam, Chennai – 600 035.

2.The Appellate Authority,
Under Right to Information Act 2005 and
The Block Development Officer,
Nalloor Panchayat Union,
Cuddalore District.

3.The Public Information Officer,
Under Right to Information Act 2005 and
Deputy Block Development Officer,
Nalloor Panchayat Union,
Cuddalore District.

4.The Panchayat Secretary,
Kodikalam Village Panchayat,
Thittakudi Taluk,
Cuddalore District.

5.The President,
Kodikalam Village Panchayat,
Thittakudi Taluk,
Cuddalore District.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 to 5 herein to furnish the details sought by the petitioner under Right to Information Act in his application under RTI Act dated 15.02.2021 as per the direction of the respondents 1 and 2.

For Petitioner : Mr.R.Jayaprakash
For Respondent : Mr.C.Vigneswaran for R1
Ms.V.Yamunadevi for R2, R3 & R5
R4 – No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 3 to 5 herein to furnish the details sought by the petitioner under Right to Information Act in his application under RTI Act dated 15.02.2021 as per the direction of the respondents 1 and 2.

2.The case of the petitioner is that on 15.02.2021, the petitioner applied to the third respondent under the RTI Act and sought to furnish the following details:

(i)Cash Register Form 11 of Kodikalam Panchayat;

(ii)Income Expenditure details for the period 01.01.2020 to



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15.02.2021 during the working period of Panchayat President;

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(iii) Agenda and Resolution Register;

(iv) Details including Aadhar Details of persons worked under 100 days work scheme under Kodikulam Panchayat Rural Development plan;

(v) Details of hand pumps installed in the Kodikulam Panchayat during the period 01.01.2020 to 15.02.2021;

(vi) Details of places and number of hand pumps installed through Kodikulam Panchayat;

(vii) Number of persons benefited under free Goat and Cow Scheme and their details;

(viii) List and details of persons benefited under Cow shed Scheme;

(ix) List and details of persons supplied with drinking water tap facility in Kodikulam Panchayat;

(x) Details of persons who have been granted permission to extract drinking water with motor; and

(xi) List and details of persons who have been permitted to construct house under Thoguppu Veedu Scheme in Kodikulam Panchayat.



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3.The further case of the petitioner is that the third respondent furnished names of 15 persons claiming to be the beneficiaries under the Prime Minister Housing Scheme and directed the petitioner to pay a sum of Rs.994/- to the account of Kodikulam Panchayat towards the charges for furnishing the details and copies of documents sought for by the petitioner. The petitioner paid the said amount and submitted the receipt with the third respondent, however, the details sought for by the petitioner under the RTI Act was not furnished to him. Hence, the petitioner preferred appeal before the second respondent and the second respondent vide order dated 19.04.2021 directed the respondents 4 and 5 to furnish the information sought for by the petitioner. Even thereafter, the details were not furnished to the petitioner. Therefore, the petitioner preferred second appeal before the first respondent. The first respondent vide order dated 07.09.2021 informed the petitioner that the third respondent has been directed to furnish the details sought for by the petitioner and thereafter closed the case on 06.05.2022, however, the information sought for by the petitioner under the RTI Act has not yet been furnished to him. Hence, this petition.

4.Heard the arguments advanced on either side and perused the



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materials available on record.

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5.Perusal of records disclose that as against the non furnishing of the information sought for by the petitioner under the RTI Act, the petitioner has preferred appeal before the second respondent and thereafter preferred second appeal before the first respondent. The first respondent on 06.05.2022 closed the second appeal preferred by the petitioner. Instead of challenging the said order in the manner known to law, the petitioner has filed this writ petition seeking direction to the respondents 3 to 5 to furnish the details sought by the petitioner, which is not sustainable one. Hence, this Court is not inclined to grant the relief sought for by the petitioner in this writ petition.

6.The writ petition is accordingly dismissed. However, liberty is granted to the petitioner to challenge the order of the first respondent dated 06.05.2022 in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

31.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

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