

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2093 of 2020

J.Vijayakumar

.. Petitioner

Vs.

1.The Tahsildar,
Thiruparankundram,
Madurai District.

2.The Public Information Officer,
Taluk Office,
Thiruparankundram
Madurai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to give effect to the order made in S.A.No.62/E/2019/X by order dated 29.11.2019 by the Public Information Commission at Chennai.

For Petitioner : Mr.MA.Karunanithi

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus, directing the respondents to give effect to an order dated 29.11.2019 passed by the Public Information Commissioner, Chennai.

2. It is the case of the petitioner that he had sought for certain information relating to the change of patta in the name of one Soundarapandian, son of Ponnusamy Thevar from the respondents. Since the said information was not forthcoming, he was constrained to file an appeal before the District Collector, Virudhunagar. Since the particulars were not furnished to him, he had filed regular appeal before the Public Information Commissioner at Chennai.

3. It is his contention that by order dated 29.11.2019, the appeal was allowed and a direction was issued to the respondents to furnish the information within a period of thirty days. Though two months have lapsed, the respondents have not come forward to give the requisite

information and therefore, the petitioner has come forward with the current writ petition.

4. A perusal of the writ petition does not give any details as to what is the information that the petitioner has sought for and which has been refused to be given by the respondents. A perusal of the order enclosed in the typed set of papers purporting to be the order dated 29.11.2019 would indicate that the Public Information Commissioner has passed an order directing the respondents to produce the RTR file and permit the petitioner to peruse the same and thereafter, given him xerox copies of those documents that he requests for.

5. The records would show that in compliance of the above order, the Tahsildar, Thiruparankundram by his notice dated 17.12.2019, had directed the petitioner to be present on 26.12.2019 at 10 a.m. in his office for perusing the records. It appears that the petitioner could not appear on the said date, since the very notice asking him to appear on 26.12.2019 was received by him only at 03.00 p.m. on 26.12.2019.

Thereafter, he was asked to appear on 08.01.2020 and once again on 14.01.2020. It is his contention that the information was not given to him.

6. The second respondent filed a counter, in which it is stated that the petitioner had not revealed the purpose for which the particulars were required and the petitioner was given the details about the patta transfer. However, the petitioner wanted details about the name of the Surveyor, who had surveyed the land before giving patta, the name of the Village Administrative Officer, who was present at the time of survey, the name of the Tahsildar, who had signed the patta transfer order and the whereabouts of the Tahsildar, who signed the transfer. Since these questions do not come within the purview of Section 2(F) of the Right to Information Act, he was informed that no reply would be given. In fact, though the State Public Information Commissioner had directed the respondents to give the relevant RTR file to the petitioner for his scrutiny, the petitioner has not demanded the same.

7. Heard the learned counsel on either side.

8. The petitioner's affidavit is totally bereft of any details about the documents/informations that he had demanded and were not given by the respondents. In the counter filed by the second respondent, it is seen that the petitioner wanted information about the name of some of the officials which is not an information, which comes under the purview of the Right to Information Act. The entire writ petition appears to be a fishing expedition. The writ jurisdiction cannot be reduced into evidence gathering forum for the petitioner. Therefore, this Writ Petition fails and the same is dismissed. No costs.

15.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr

P.T.ASHA, J.

abr

To

- 1.The Tahsildar,
Thiruparankundram,
Madurai District.
- 2.The Public Information Officer,
Taluk Office,
Thiruparankundram
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