



W.P(MD)No.19563 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No. 19563 of 2014 and
MP(MD) No.1 of 2014

G.Bagavathi Perumal

Petitioner

Vs

1.The Tamilnadu Information Commission,
Rep by its Commissioner,
378, Anna Salai,
Teynampet,Chennai – 18.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.T.S.Saravanakumar

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records on the file of the first respondent pertaining to its order in Case No.47431/ Enquiry/B/2012(40666/B/2013), dated 23.09.2014 and the consequential order of the second respondent bearing No.A6/40347/2014, dated 08.11.2014 and to quash the same.



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For Petitioner	:Mr.S.C.Herold Singh
For R1	:Mr.K.K.Senthil
For R2	:Mr.G.V.Vairam Santhosh
	Additional Government Pleader
For R3	:Mr.V.Balaji

ORDER

The petitioner, who was working as a Deputy Tahsildars/Public Information Officer, has filed this writ petition as against the order passed by the first respondent, imposing penalty on the petitioner under the Right to Information Act, 2005.

2.The learned counsel appearing for the petitioner submits that when the petitioner was working as Deputy Tahsildar/Public Information Officer, Radhapuram Taluk, one T.S.Saravanakumar sought for certain revenue records under Right to Information Act, 2005. According to the petitioner, since the documents sought for by the said T.S.Saravanakumar were not available in the Office, it could not be sent to him and the same has also been communicated to him. Despite the same, the first respondent/Public Information Commissioner fixed the



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responsibility on the petitioner and imposed penalty on him
Challenging the same, the petitioner has filed this writ petition.

3.The learned Standing Counsel appearing for the first respondent submits that subsequent to the order of levying penalty on the petitioner, the documents have been furnished to the said T.S.Saravanakumar. He further submits that since the petitioner has taken a stand that the documents were not available, a direction was issued to the Sub Collector, Cheranmahadevi, to conduct an enquiry and file a report. On 27.09.2013, the Sub Collector, Cheranmahadevi has conducted an enquiry and found that the documents are very much available in the office and filed a report to that effect. That apart, the Sub Collector has observed that the reasons assigned by the petitioner/Information Officer for not furnishing the documents are not correct. Only thereafter, the first respondent has passed the order imposing penalty on the petitioner as contemplated under the Right to Information Act, 2005.



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4.In view of the report of the Sub Collector, Cheranmahadevi, dated 27.09.2013, this Court is not inclined to interfere with the order passed by the first respondent in Case No. Case No.47431/ Enquiry/B/2012(40666/B/2013), dated 23.09.2014.

5.Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions is closed.

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Index : Yes/No
Internet : Yes/No
vrn

To

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B.PUGALENDHI, J

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Order made in
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