



W.P(MD)No.19216 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.19216 of 2023

Saravanan .P

... Petitioner

Vs

1.Tamil Nadu Information Commissioner,  
O/o.The Tamil Nadu Information Commission,  
Post Box No.6405,  
Office at No.19,  
Government Firm Village,  
Nanthanam,  
Chennai - 600035.

2.The Tahsildar,  
O/o.Tahsildar,  
Nilakottai,  
Dindigul District.

3.The Public Information Officer,  
Headquarters Deputy Tahsildar,  
O/o.Tahsildar,  
Nilakottai,  
Dindigul District.

...Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to furnish the correct and complete information requested by the petitioner in his letter under section 6 of RTI Act dated 10.10.2022 by imposing penalty contemplated under Section 20(1) and also take disciplinary action under Section 20(2) of the Right to Information Act, 2005 against the erring officials.

|                |                                                           |
|----------------|-----------------------------------------------------------|
| For Petitioner | : Mr.S.Nagarajan                                          |
| For R1         | : Mr.Raguvaran Gopalan<br>Standing Counsel                |
| For R2 & R3    | : Mr.G.V.Vairam Santhosh<br>Additional Government Pleader |

### **ORDER**

The petitioner is a politician and he has applied for certain informations under the Right to Information Act, 2005 before the Public Information Officer, Dindigul/the third respondent herein on 10.10.2022. The District Collector, Dindigul has also recommended the third respondent to furnish the information as requested by the petitioner in his application dated 10.10.2022 by his



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proceedings in Na.Ka.No.17/2022-70/G-4 dated 27.10.2022. The grievance of the petitioner is that even after the proceedings of the District Collector, the third respondent has not furnished the informations requested by the petitioner. The petitioner claims that he has also filed an appeal before the first respondent under Section 20(2) of the Right to Information Act, 2005. By communication, dated 06.02.2023, certain informations have been provided to this petitioner. However, those informations are incorrect. Therefore, the petitioner has filed this writ petition for a Mandamus, directing the respondents to furnish the correct and complete information requested by this petitioner by imposing a penalty as against the erring officials as contemplated under Section 20(1) of the Right to Information Act, 2005.

2.Mr.Raguvaran Gopalan, learned Standing Counsel, who takes notice for the first respondent submits that there is no time limit prescribed under Section 20(1) of the Right to Information Act. However, the appeal filed by the petitioner is pending with the



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first respondent due to heavy workload and if any direction is issued by this Court, a decision would be taken within the time stipulated by this Court.

3.Mr.M.Mahaboob Athiff, learned counsel has requested this Court to file an impleading petition that his client is an affected person and therefore, he must be permitted to file an impleading petition to state some points before this Court.

4.This Court considered the rival submissions made.

5.The petitioner has sought for certain informations from the third respondent by his application dated 10.10.2022. Though the District Collector concerned has recommended to furnish the details to the petitioner by his proceedings dated 27.10.2022, the third respondent has not acted upon it. Hence, the petitioner filed an appeal before the first respondent/Tamil Nadu Information Commission. Thereafter, the petitioner was provided with an



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incomplete, irrelevant and incorrect informations. The stand of the learned Standing counsel appearing for the Tamil Nadu Information Commission is that there is no time limit prescribed under Section 20(1) of Right to Information Act, 2005 and as per the direction of this Court, the appeal filed by the petitioner would be disposed of. Section 20(1) of Right to Information Act, 2005 provides an action by the Information Commission under the Act, which is extracted as under:-

### **Section 20(1) of Right to Information Act, 2005**

(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section 1 of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or



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misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty five thousand rupees: Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before penalty is imposed on him; Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

Since the first respondent is inclined to dispose of the petitioner's appeal as per the Act, this writ petition is disposed of with a direction to the first respondent to consider the petitioner's appeal under Section 20(1) of Right to Information Act, 2005 within a period of eight weeks from the date of receipt of a copy of this order.

This Court is surprised that how a party is capable of knowing the



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writ petition filed by this petitioner as against the Tamil Nadu Information Commission and this Court is not inclined to entertain the request of Mr.M.Mahaboob Athiff to file an impleading petition.

No costs.

**09.08.2023**

NCC :Yes/No

Index :Yes/No

Internet:Yes

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To

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**B.PUGALENDHI, J.**

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**Order made in**  
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