



W.P(MD)No.23985 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23985 of 2023

G.Thanga Pandian

... Petitioner

Vs.

1.The Commissioner,
State Information Commission,
No. 2, Sir Thiyagarayarsalai,
Elthamas Road Junction,
Adjacent Alayaman Kovil,
Teynampet, Chennai.

2.The Appellate Public Information Officer,
Forest Department, District Forest Office,
Pillayarpatti, Thanjavur District.

3.The Public Information Officer,
Forest Department,
District Forest Office,
Pillayarpatti,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondent No.1 to take appropriate action by considering the petitioner representation dated 07.09.2023.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.Raguvaran Gopalan,
Standing Counsel for R1.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the State Information Commission.

2.The petitioner's daughter got married to one Senthilkumar. The petitioner states that alliance was finalized based on the details furnished by the bridegroom in the matrimonial website. The petitioner states that he belongs to Sozhia Chetty (MBC) community. The petitioner alleges that the bridegroom though belonging to Sailyar (BC) community had misrepresented that he also belongs to same community as that of the petitioner.



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3.The marital relationship between the petitioner's daughter and the said Senthilkumar came under strain. D.V.C.No.78 of 2022 has been filed against Senthilkumar and others on the file of the Additional Mahila Court, Madurai and it is said to be pending.

4.In order to establish his allegation that there has been misrepresentation, the petitioner wanted to know the caste details of the bridegroom's father namely, Arumugam. The said Arumugam had worked as Office Assistant in the office of District Forest Office, Forest Department, Pillayarpatti, Thanjavur District. Citing Section 6(2) of the Right to Information Act, 2005, the third respondent had declined to furnish the information. Questioning the same, the petitioner filed an appeal and thereafter second appeal before the State Information Commission. The State Information Commission had directed the third respondent to furnish the information sought for by the petitioner. The third respondent wrote to the said Arumugam and sought his consent for furnishing the information. Since the said consent was not forthcoming because the notice was sent to the previous address of said Arumugam, the information was not furnished. Pointing this out, the petitioner once



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again complained to the first respondent. The first respondent fixed an enquiry date ie., 14.07.2023 at 10.30 am. The petitioner could not be present on account of his ill-health. Citing the absence of the petitioner, the compliant itself was closed. Challenging the same, the present writ petition came to be filed.

5.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He submitted that the petitioner deserves to be given one more chance. In any event, the information sought for by the petitioner has not been admittedly furnished, this Court even *suo motu* direct the third respondent to give the information sought for by the petitioner.

6.The learned standing counsel for the Commission submitted that when the petitioner was absent on the enquiry date, the Commission was left with no other option but to close the complaint. He called upon this Court to dismiss the writ petition.



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7.This Court need not bother about the procedural aspects of the matter. The petitioner wants to know the caste status of one Arumugam. In my view, the provisions of Right to Information Act cannot be invoked for such purposes. Admittedly, the petitioner's daughter has filed matrimonial proceedings against the bridegroom and others members of the family. The petitioner's daughter can as well serve interrogatories and get the details sought for. The provisions of Right to Information Act need not employed for such purposes.

8.This writ petition is dismissed accordingly. No costs.

03.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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