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W.P.No.10076 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10076 of 2024
and
W.M.P.No. 11092 of 2024

Deputy Commissioner of Police &
Public Information Officer,
Greater Chennai Police,
Triplicane District,
Chintaripet,
Chennai – 600 002.

... Petitioner

Vs

1. The State Information Commissioner,
State Information Office,
No. 19, Government Farm House,
Peranpettai, Nandhanam,
Chennai – 600 035.

2. K.Kothandan

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to impugned order dated 09.11.2023 passed by the first respondent in Proceeding No. SA743/SCIC/2020 and quash the same as contrary to law; illegal, arbitrary and unconstitutional, violation of the principles of natural



For Petitioner : Mr. R.Muniyapparaj
Additional Public Prosecutor

For Respondents : Mr. C.Vigneswaran (for R1)
Mr. K.Kothandan (in person)

ORDER

The Writ Petition has been filed challenging the order dated 09.11.2023, passed by the first respondent, thereby imposing a compensation of Rs. 10,000/- payable by the petitioner in favour of the second respondent for not providing the information sought by the second respondent.

2. One Gopinath lodged a complaint against the second respondent before the Inspector of Police, Triplicane Crime Police Station on 06.05.2019, alleging that while standing in front of Pallavan Transport Corporation Headquarters on Pallavan Salai with friends, the second respondent approached him and demanded Rs.100/-. When the complainant refused, he quarrelled with him and snatched his 3-sovereigns gold chain.



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On receipt of the said complaint, he was issued CSR No. 385 of 2019. On the said complaint, the Sub-Inspector of Police conducted an enquiry and found no chain was with the second respondent, and the de-facto complainant had misplaced it. Therefore, on the request by both, the complaint was closed on 06.05.2019.

3. The case of the second respondent is that the second respondent was beaten by the de-facto complainant as well as the Police Officials in front of Pallavan Transport Corporation Headquarters, and the same was recorded in the CCTV footage. Furthermore, the second respondent signed the letter under compulsion, as if he had submitted before the Police Station. Therefore, the petitioner sought CCTV footages dated 06.05.2019 on 08.05.2019 and 09.05.2019 under the Right to Information Act (hereinafter referred to as 'the RTI Act' for short). It was duly received by the petitioner's office, and the second respondent repeatedly visited the office on subsequent dates, but was not provided the footage. Hence, the second respondent filed a first appeal, which was rejected, and the petitioner subsequently filed a second appeal before the first respondent.



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4. On enquiry, it was revealed that the petitioner failed to provide information and falsely submitted that the application was submitted by the second respondent only on 08.05.2019. Consequently, the CCTV footages were not available, as they are retained in memory for only seven days.

5. Considering the above, the first respondent held that the petitioner ought to have issued the information sought by the second respondent. However, since the petitioner failed to provide any information, a compensation of Rs.10,000/- was imposed, payable by the petitioner in favour of the second respondent.

6. The learned Additional Public Prosecutor appearing for the petitioner submitted that the CCTV situated in front of Pallavan Transport Corporation Headquarters on Pallavan Salai is maintained by the Traffic Commissioner, and the petitioner has no connection with the CCTV. Therefore, he should have returned the application submitted by the second respondent as provided under Section 6(3) of the RTI Act. Due to



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inadvertence, the petitioner replied that the second respondent's application was belated, stating that CCTV footage for 06.05.2019 to 09.05.2019 was unavailable.

7. The second respondent appeared in person and perused the documents to show that the second respondent was provided information under the RTI Act, dated 23.12.2023, in respect of his visitation of the petitioner's office on 09.05.2019, 10.05.2019, 13.05.2019, 20.05.2019, and 27.05.2019, seeking information as per the application dated 08.05.2019.

8. Further, the petitioner did not even make any application on 08.05.2019. Except for the reply submitted by the petitioner, that the second respondent made an application only on 08.05.2019, and as such, the information sought by the second respondent is not available. No other documents were produced by the petitioner to show that the second respondent applied for information under the RTI Act only on 08.05.2019. However, insofar as the information availability is concerned, it was submitted that by invoking Section 6(3) of the Act, the petitioner ought to



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have transferred the application submitted by the second respondent to the Traffic Commissioner. Instead, the petitioner replied that the information is not available since the second respondent made the application belatedly.

9. As stated supra, the second respondent submitted an application under the RTI Act on 08.05.2019 itself. Thereafter, he repeatedly visited the office of the petitioner and sought information as per the application dated 08.05.2019. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent. However, insofar as the availability of information is concerned, the matter is remanded back to the first respondent for fresh disposal, on the condition that the petitioner shall deposit compensation of Rs.10,000/- with the account of the second respondent forthwith. Thereafter, the first respondent is directed to issue notice to the petitioner and the second respondent, after giving opportunity to both, in respect of the availability of information alone, whether with the office of the petitioner or with any other office, and pass orders within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the compensation of Rs.10,000/- shall be paid by the petitioner from his own pocket.



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10. With the above directions, this Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

13.08.2024

Index:Yes/No

Neutral Citation/Yes/No

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To

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