



WA No.1861 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.The Home Department,
SC.Deputy Secretary to Government,
Secretariat, Chennai 9

2.Special Branch CID,
O/o Director General of Police,
Kamarajar Salai, Mylapore
Chennai 600004

: Appellants

versus

1.V.Vidya

2.The State Chief Commissioner,
Tamil Nadu Information Commission,
Teynampet, Chennai 600117

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.21847 of 2014 dated 28.03.2023.



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For the Appellants : Mr.J.Ravindran,
Additional Advocate-General

Ms.V.Vidya, Party-in-person, the first respondent

JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.J.Ravindran, learned Additional Advocate-General, appearing for the appellants and Ms.V.Vidya, party-in-person/ first respondent herein.

2. The first respondent has filed a writ petition bearing WP No.21847 of 2014 challenging the order passed by the State Chief Commissioner, Tamil Nadu Information Commission, rejecting her application under the Right to Information Act, 2005, (hereinafter referred to as 'the Act').

3. The learned Single Judge has dealt with the factual matrix in detail. Therefore, we are not inclined to refer to the same in detail.



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4. The learned Additional Advocate-General has relied upon sub-Section (4) of Section 24 of the Act to contend that the authority, i.e. SB CID, is exempted from the operation of the Act. The learned Additional Advocate-General submits that the State Government has issued notification dated 14.10.2005 in this regard.

5. We had asked the learned Additional Advocate-General to place on record the inquiry report. The inquiry report is placed in a sealed cover before us. We have gone through the same.

6. The learned Single Judge has observed that there is no question that SB CID enjoys the exemption under Section 24(4) of the Act. It is subject to the proviso thereunder. It is certainly not the case of the appellants that the information sought, or the materials collected by SB CID, is objectionable or is concerned with national security. The first respondent's allegation is about the violation of human rights and corruption. Proviso to Section 24(4) of the Act is an exception to said Section. Section 24(4) is circumscribed by the proviso. The proviso to Section 24(4) of the Act states, "Provided that the information pertaining to the allegations of corruption and human



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rights violations shall not be excluded under this sub-section”.

7. The learned Single Judge had properly construed the said aspect and directed the public information officer to supply a copy of the report sought for, within a period of four weeks.

8. Considering the facts and circumstances of the present case, we do not find any error committed by the learned Single Judge in passing the impugned order.

9. The writ appeal stands dismissed. There shall be no order as to costs. Consequently, CMP No.16251 of 2023 is closed.

10. The present judgment is limited to the facts of the present case.

11. The appellant/authority shall comply with the order passed by the learned Single Judge within a period of four weeks from today.



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12. The inquiry report produced by the learned Additional Advocate-General is returned back to him.

(S.V.G., CJ.)

(D.B.C., J.)

23.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

The State Chief Commissioner,
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AND
D.BHARATHA CHAKRAVARTHY, J.

(tar)

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