IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22477 of 2024
and W.M.P.No.24488 of 2024

The Public Information Officer,
Head Office Deputy Tahsildar,
Tahsildar Office,
Ulunthurpettai, Kallakurichi District. ... Petitioner

-Vs-

1. The State Information Commissioner,
   Tamil Nadu Information Commission,
   No.19, Commercial Taxes Department Road,
   Fanepet, Nandanam, Chennai – 600 035.

2. R.Balakannan ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order of the 1st respondent in Case No.NC 2463 / C / 2022 (SA 3559/C/2022) dated 16.05.2023 and quash the same.

For Petitioner	:	Mr.V.Manoharan Additional Government Pleader
For R1	:	Mr.C.Vigneswaran Standing Counsel
For R2	:	Mr.D.Babu Varadharajan

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 16.05.2023, thereby directed the petitioner to provide information as sought for by the second respondent and also awarded compensation of Rs.20,000/- for not furnishing the information within a stipulated time.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The second respondent submitted an application under the Right to Information Act before the petitioner. On receipt of the same, the petitioner replied by its reply dated 26.06.2020 stating that the information sought for by the second respondent did not fall within the jurisdiction of Vadamambakkam Village, Ulundurpettai Taluk, Kallakurichi District. It was further stated that there was no such sub division of S.No.73. It was sub divided only till sub division number 19. Aggrieved by the same, the second respondent preferred an appeal before the appellate authority under Section 19(1) of the Right to Information Act, 2005. However, once again the petitioner approached the first

respondent by way of an appeal and the first respondent conducted an enquiry. Thereafter, the first respondent was directed to issue notice of inspection to the second respondent and permit him to view the records relating to the information as sought for by him and provide free copy of the same as per Section 7(6) of the Right to Information Act.

4. Accordingly, the second respondent was permitted to inspect the documents on 27.09.2022 and received 'A' register of the said documents. However, insofar as the assignment patta in D.K.T.No.309/1379, chitta and FMB were not provided, since it were not available in the office of the petitioner. However, without considering the same, the first respondent conducted an enquiry and passed an order dated 16.08.2023, thereby directed the petitioner to pay a compensation of Rs.20,000/- to the second respondent and also directed the District Revenue Officer to furnish the information as sought for by the second respondent.

5. The learned counsel for the second respondent submitted that his paternal uncle was originally assigned with the subject land by way of assignment patta in D.K.T.No.309/1379. The petitioner is possessing a copy of

the said patta. Therefore, he sought for certified copy of the same and chitta along with FMB. After the demise of the original assignee, the second respondent inherited the said property through a Will executed by the original assignee. However, the second respondent could not able to transfer the said land in his favour without the certified copy of the original assignment patta which was assigned in favour of his paternal uncle.

6. However, a perusal of records revealed that the assignment patta in D.K.T.No.309/1379 is not available in the office of the petitioner. That apart, in S.No.73, there are only 19 sub divisions. Therefore, the first respondent ought not to have directed the petitioner to furnish the information sought for by the second respondent, since it is not available in their records.

7. In view of the above, this Court finds infirmity in the order passed by the first respondent. Accordingly, the impugned order passed by the first respondent in Case No.NC 2463 / C / 2022 (SA 3559/C/2022) dated 16.05.2023, is hereby quashed. However, the second respondent is at liberty to approach the revenue officials for change of patta in his name in respect of the subject property in the manner known to law. On receipt of the same, the

revenue authorities are directed to consider the same and pass orders on merits and in accordance with law.

8. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. No costs.

04.09.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J,

mn

To

The State Information Commissioner,
Tamil Nadu Information Commission,
No.19, Commercial Taxes Department Road,
Fanepet, Nandanam, Chennai – 600 035.

W.P.No.22477 of 2024

04.09.2024