



W.P(MD)No.15947 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15947 of 2022

Chinnappa

... Petitioner

Vs.

1.The State Chief Information Commissioner,
Tamil Nadu State Information Commission,
No.19, State Farm House,
Panpet, Nandanam,
Chennai-600 035.

2.The First Appellate Authority,
Public Information Officer / The Personal Assistant
(General) of District Collector,
The District Collector Office,
Pudukkottai District,
Pudukkottai.

3.The Public Information Officer,
(Deputy Tahsildar),
Kulathur Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to take appropriate action as against the 3rd respondent for furnishing false and misleading information under RTI Act and to furnish the details and information in the 3rd respondent reply in Mu.Mu.7415/2021 AA4 dated . 04.2022.



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For Petitioner : Mr.A.Arul Jenifer

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R2 & R3

: Mr.Raguvaran Gopalan for R1

ORDER

Heard both sides.

2. The petitioner filed W.P.(MD)No.18536 of 2020 for removal of encroachment in a communal grazing land. The writ petition was disposed of on 17.12.2020 by directing the Tahsildar, Kulathur Taluk to take action for removal of encroachment as per law. The petitioner applied to the third respondent seeking to know the action taken in pursuant to the said direction. The petitioner was not satisfied with the response given by the third respondent. He therefore filed an appeal before the first appellate authority. Thereafter, he moved the information commission. The stand of the petitioner is that the third respondent had given wrong information. Therefore, he must be punished. Since the commission did not take action, the present writ petition has been filed.

3. This is a classic instance showing how litigation is multiplied. In normal circumstances, the petitioner would have been visited with exemplary cost. But then, the intention of the petitioner appears to be noble. He wants encroachment



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to be removed. It is for this reason alone, I refrain from imposing any cost on the petitioner. If according to the petitioner, direction given by the Hon'ble Division Bench in W.P(MD)No.18536 of 2020 was not complied with, simplest course of action is to file a contempt petition. Instead he had chosen a circuitous route. This writ petition itself is vexatious. Be that as it may, when the matter was taken up for hearing, the learned Additional Government Pleader clarified that encroachment have been removed. The written instructions given to the Government Counsel was also made available to the counsel for the petitioner. If according to the petitioner, once again the private persons are attempting to plough the land in question, I fail to understand as to how that will constitute contempt or something for which action has to be taken against the third respondent.

4. The Writ Petition is dismissed. No costs.

26.02.2024

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

rmi

To

1.The First Appellate Authority,
Public Information Officer / The Personal Assistant
(General) of District Collector,
The District Collector Office,
Pudukkottai District,
Pudukkottai.

2.The Public Information Officer,
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