



W.A(MD)Nos.1160 of 2014, 1235 of 2016 and 86 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM :

JUSTICE N.SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A(MD)Nos.1160 of 2014, 1235 of 2016 and 86 of 2017
and C.M.P(MD)No.8220 of 2016

In W.A(MD)No.1160 of 2014:

A.Kanagaraj

... Appellant/Petitioner

Vs.

1. The Tamil Nadu Information Commission,
O/o The State Information Commission,
Kamadenu Super Market First Floor,
No.378, Anna Salai,
Teynampet, Chennai.

2.The Public Information Officer,
O/o The District Collector,
Theni

3.The Appellate Authority-cum-District Revenue Officer,
Theni

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent as
against the common order passed by this Court dated 07.07.2014 in
W.P(MD)No.2268 of 2010 on the file of this Court.

For Appellant	: Mr.P.M.Vishnuvarthanan
For R1	: Mr.K.K.Senthil
For R2 & R3	: Mr.Muthuvijayan
	Special Government Pleader



W.A(MD)Nos.1160 of 2014, 1235 of 2016 and 86 of 2017

In W.A(MD)No.86 of 2017:

A.Kanagaraj

... Appellant/Petitioner

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Vs

1. The Tamil Nadu State Information Commissioner,
O/o The State Information Commission,
No.2, Thiyagaraya Salai Road,
Near Alaiamman Kovil,
Teynampet, Chennai.

2. The Public Information Officer,
District Collector Office,
Dindigul District,
Dindigul

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent as
against the common order passed by this Court dated 08.11.2016 in
W.P(MD)No.14267 of 2016 on the file of this Court.

For Appellant	: Mr.M.Jerin Mathew
For R1	: Mr.K.K.Senthil
For R2	: Mr.N.Muthuvijayan
	Special Government Pleader

In W.A(MD)No.1235 of 2016:

A.Kanagaraj

... Appellant/Petitioner

Vs.

The Tamil Nadu State Information Commissioner,
O/o The State Information Commission,
No.2, Thiyagaraya Salai Road,
Teynampet, Chennai – 18

... Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent as
against the common order passed by this Court dated 21.04.2016 in
W.P(MD)No.4510 of 2016 on the file of this Court.



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W.A(MD)Nos.1160 of 2014, 1235 of 2016 and 86 of 2017

For Appellant : Mr.M.Jerin Mathew
For Respondent : Mr.K.K.Senthil

COMMON JUDGMENT

[Judgment was delivered by **N.SESHASAYEE, J.**]

The common issue that arises in this batch of cases, all filed by the same individual is, whether the appellant herein must be provided certain information relating to certain records pursuant to the application he had filed regarding the estates in the entire Theni and Dindigul Districts of the pre-independence era as well as post-independence period from the Public Information Officer. One of those applications invited the following Order: *“The petitioner is informed that as per the RTI Act, information should not be asked excessively which will affect the regular function of the Public Authority. He is directed to ask for information to the minimum extent”*.

2. Since the appellants were not satisfied in the outcome, they moved the writ court. Each of these cases were decided by different single Judges of this Court and they all have taken a same view that the appellants cannot insist on furnishing such information, where providing it involve lot of revenue as well as man power for providing the same.



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3. These orders of the learned single Judges are being challenged in this batch of appeals.

4. Heard both sides. The learned counsel for the appellants submits that in terms of Section 4 of Right to Information Act, 2005, every public authority is required to maintain all its records duly catalogued and indexed in a manner and form, and all records must be appropriately computerized within a reasonable time subject to availability of resources within 120 days from the enactment of the Act. The learned counsel submits that all the records have not been computerized by the Government. If it had been done, there would not have been any occasion for the appellant to approach this Court.

5. There are two parts to the submissions of the appellants:

- a) It is about digitalization of all the records and registration, which a public authority is required to maintain; and
- b) Furnishing information thereof.

6. While Sec. 4(1)(b) of the Act, fixes an outer limit of 120 days for computerization or digitalization of the data, but given the fact that a



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rider is seen tagged to the said provision a rider which advocates computerisation of information depending on the availability of resources, it could be instantly gathered that the time prescribed under Section 4(2) of the Act, is at the best directory and not mandatory.

7. Turning to the nature of information which the appellant requires, they do not seem to pertain to one specific land or case, but a lot of information pertaining to large tract of lands from innumerable records. Necessarily, the appellants' prayer for information expected to consume considerable resources both financial and manpower.

8. The intention behind the Right to Information Act is not to deny information which is required by public as it ensures that there is transparency in governance. It however, does not *ipso facto* imply that anyone can seek any information without any limitation for providing which the entire administrative machinery should divert its energies and efforts. This may hijack the very intention behind the Act. There must be a balance between the nature and extent of information sought and the resources that are available to provide it.



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9. The learned Additional Government Pleader submitted that all the revenue records, UDR Registers that took place in 1980s have been computerized. So far as back records are concerned, information is provided on application for specific information.

10. Now, without getting into the merit of the issue, this Court merely directs the appellants to come out with any specific information which they require. As and when any such application is made, the authorities are required to provide them depending on the resources available to it. If the appellants require any copy any such document, the authorities may consider and provide them on payment of cost for providing any such information as per the Rules.

11. These appeals are accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
10.04.2024

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

1. The Secretary,
State of Tamil Nadu,
School Education Department,
Chennai – 600 009.

2. The Director of School Education,
College Road,
Chennai

3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.



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N.SESHASAYEE, J.
and
P.VADAMALAI, J.

CM

Judgment made in
W.A(MD)Nos.1160 of 2014, 1235 of 2016
and 86 of 2017
and C.M.P(MD)No.8220 of 2016

10.04.2024