



W.P.(MD).No.31265 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.31265 of 2023

and

W.M.P.(MD).No.26782 of 2023

C.Karthikeyan @ Perarivalan

... Petitioner

Vs.

1.The Commissioner,
State Information Commission,
No.2, Sir Thiyagarayar Salai,
Elthamas Road Junction,
Adjacent Alayaman Koil,
Teynampet,
Chennai.

2.The Appellate Public Information Officer,
Office of the Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Kuruvikaran Salai,
Madurai District.

3.The Public Information Officer/Regional Manager,
Office of the Tamil Nadu Civil Supplies Corporation,
Madurai Region,
Kuruvikaran Salai,
Madurai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the Case No.SA12114/A/2022 dated 24.01.2023 passed by the respondent No.1 and to quash the same and consequently to direct the respondent No.1 to instruct the respondent No.3 to provide exact information sought by the petitioner by the way of RTI application dated 05.04.2022.

For Petitioner : Mr.K.Pushpavanam
for Mr.R.Alagumani

For R-1 : Mr.Raguvaran Gopalan

For R-2 & R-3 : Mr.K.R.Badurus Zaman

ORDER

This Writ Petition is filed challenging the order passed by the first respondent in Case No.SA12114/A/2022 dated 24.01.2023 and to direct the first respondent to instruct the third respondent to provide exact information sought by the petitioner by way of RTI application dated 05.04.2022.

2. The case of the petitioner is that he is the Joint Secretary of the party called 'Tamilzh Puligal'. He reads the newspapers every day, collects the relevant information on the existing social problems in the society and



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informs the same to the authorities concerned and others about the situation with the help of the media. The petitioner has sent an application under Section 2(j) of the Right to Information Act, 2005 (hereinafter referred to as 'Act') to the third respondent on 05.04.2022, seeking information regarding 20 rice mills in Madurai region, which have entered into contract with the Tamil Nadu Civil Supplies Corporation for graining paddy into rice. As no information was received, the petitioner sent an appeal to the second respondent on 09.05.2022. However, no reply was received and on 18.06.2022, he sent an appeal to the Manager (Admin), Tamil Nadu Civil Supplies Corporation, Kilpauk, Chennai. Since no information was received, the petitioner sent another representation on 06.07.2022 to the first respondent.

3. The first respondent took up the petitioner's complaint in Case No.SA12114/A/2022 and vide order dated 14.09.2022, the third respondent was directed to furnish the information. Further, the petitioner was directed to approach them, if the third respondent fails to provide the information within one month. As the information was not received, notice of inquiry



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was issued in Case No.SA1124/A/2022 on 12.01.2022, directing the petitioner and the third respondent to appear on 24.01.2023. In the said case, the first respondent has passed the impugned order dated 24.01.2023, observing that the information sought for by the petitioner is exempted from disclosure under Section 8(1)(d) of the Act and directing the third respondent to send a reply to the petitioner.

4. The claim of the petitioner is that the first respondent has failed to enquire into the matter properly and simply rejected his application by stating that as the information sought for by the petitioner comes under Section 8(1)(d) of the Act, the same cannot be provided to the petitioner. The petitioner is working hardly to know the details regarding the rice mills, which have entered into contract with the Tamil Nadu Civil Supplies Corporation, which is a State Corporation and on the interest of public, he is seeking for all the details.

5. It is seen from the impugned order dated 24.01.2023 that the first respondent has relied upon Section 8(1)(d) of the Act. As per Section



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8(1)(d), the respondents are exempted from giving any information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

6. In the present case, the petitioner has not stated under what circumstances or for what reason, such information is required. He simply states that on reading newspapers, he found that there are some malafides in the activities of the authorities, who are trying to cheat the Government. Further, the petitioner seeks for the entire details regarding the consumption of electricity and the functioning of those 20 rice mills. As per the impugned order, it is clear that such information is exempted from disclosure under Section 8(1)(d) of the Act and this information regarding the trade secret or commercial activities, which comes under the commercial confidence, cannot be provided to the petitioner. Hence, the Writ Petition is devoid of merits and it is liable to be dismissed. The Writ Petition has no public interest and in the absence of any such material to show that he has



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some interest in the public, unnecessarily wasting the time of the officials as well as the Court, this Court is of the considered view that the petitioner can be imposed with costs.

7. Accordingly, the Writ Petition stands dismissed with a direction to the petitioner to pay a cost of Rs.500/- (Rupees Five Hundred only) to the High Court Legal Services Authority. Consequently, connected miscellaneous petition stands closed.

02.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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