



W.P.No.9150 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25.10.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.9150 of 2010
and M.P.Nos.1 & 2 of 2010

J.Vasanthi

.. Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Enquiry Officer / District Backward Classes
and Minorities Welfare Officer,
Dindigul District, Dindigul.

3.M.Swamidas

4.The Tahsildar,
Kodaikanal.

(R4 impleaded *suo motu* vide order of this Court
dated 19.07.2010 in W.P.No.9150 of 2010)

5.The Tamil Nadu State Information Commission.

.. Respondents



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(R5 impleaded *suo motu* vide order of this Court dated 29.07.2010 in W.P.No.9150 of 2010)

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the respondents, relating to the order of the Tamil Nadu Information Commission in Case No.26862/Enquiry/2007, dated 10.01.2008, order of the 1st respondent in Roc.No.31976/07/G2, dated 05.02.2008 and order of the 2nd respondent in Special.1/08 (PiNa.Alu.), dated 11.02.2008 and all other consequential orders and quash the same in so far as the petitioner is concerned.

For Petitioner	:	Mr.Kandhan Duraisami
For RR 1, 2 & 4	:	Mr.L.S.M.Hasan Faizal Additional Government Pleader
For R3	:	Mr.K.M.Vijayan Senior Counsel for Mr.K.R.Ramesh Kumar
For R5	:	Mr.Niranjan Rajagopalan (SIC)

ORDER



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This writ petition challenges the order of the Tamil Nadu

Information Commission in Case No.26862/Enquiry/2007, dated 10.01.2008, and that of the District Collector in Roc.No.31976/07/G2, dated 05.02.2008, and the order of the Enquiry Officer / District Backward Classes and Minorities Welfare Officer in Special.1/08 (PiNa.Alu.), dated 11.02.2008.

2.The case of the petitioner is that she is the owner of the property situated in SF.Nos.691, 699, 437, etc., corresponding to New Survey Nos.1008/3A, 1008/7, 1008/8, 1008/11, 1045/2 & 1045/4. She claims to have purchased this property by way of a registered sale deed in Document No.2096 of 2002, dated 10.06.2002. On the strength of this document, she got the revenue records mutated in her favour.

3.While such being the case, one M.Swamidas, 3rd respondent herein, filed a suit in O.S.No.58 of 2003, on the file of the District Munsif, Kodaikanal, claiming that he is the owner of the property situated



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in Survey Nos.1008/3 and 1008/5 of Villpatti Village, Kodaikanal Taluk,
Dindigul District.

4.The said M.Swamidas had sought for an information from the Public Information Officer / Personal Assistant (General) to District Collector, Dindigul, regarding 24 pieces of information. The Public Information Officer directed the Tahsildar, Kodaikanal, to furnish the information to the petitioner. Despite several attempts, M.Swamidas was unable to get any information. Therefore, he approached the State Information Commission which directed the Tahsildar, Kodaikanal, to issue the relevant information on or before 05.11.2007 and submit a report.

5.The Tahsildar, Kodaikanal, furnished the information on 01.11.2007. This information not being satisfactory, the petitioner filed a petition on 06.11.2007 to the State Information Commission. The 3rd respondent pleaded that the information given by the Tahsildar is misleading and therefore, requested the Commission to issue the



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documentary evidence, on the basis of which the Tahsildar has furnished the information.

6.The Public Information Officer was directed by the State Information Commission to produce the records as requested by the 3rd respondent. Two records were produced bearing document No.2395 dated 04.01.1994 and document No.922 dated 06.08.1991, said to have been registered at the office of the District Registrar, Dindigul. The 3rd respondent pointed out that document No.2395 dated 04.01.1994 was not registered in the office of the Registrar, Dindigul District, and the document No.922 dated 06.08.1991, did not relate to the survey number in which he was interested.

7.After analyzing the documents, the State Information Commission came to a conclusion that the patta transferred in the name of the writ petitioner by the Tahsildar on the basis of the document said to have been produced are forged. Consequently, it gave a direction to the



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District Collector, Dindigul, to initiate immediate action as against the

Tahsildar and to pass appropriate orders. This order was passed on 31.01.2008.

8.The District Collector on the basis of the order, initiated disciplinary proceedings on 05.02.2008, against the Tahsildar, Kodaikanal. She appointed Mr.M.Vivekanandam, District Backward Classes and Minorities Welfare Officer, Dindigul, as the Enquiry Officer, to enquire into the entire issue regarding patta transfer.

9.On the basis of the order of the District Collector dated 05.02.2008, the District Backward Classes and Minorities Welfare Officer, Dindigul enquired into the matter and submitted a report on 15.02.2008.

10.The petitioner is aggrieved by the fact that, during the course of enquiry by the State Information Commission the consequential order



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was passed by the District Collector, and the report of the District Backward Classes and Minorities Welfare Officer, Dindigul, certain observations were made to the effect that the petitioner's documents are acts of forgery. Hence, he has challenged all the three orders.

11.I heard Mr.Kandhan Duraisami for the petitioner, Mr.L.S.M.Hasan Faizal, Additional Government Pleader for the respondents 1, 2 & 4, Mr.K.M.Vijayan, Senior Counsel for Mr.K.R.Ramesh Kumar representing the 3rd respondent and Mr.Niranjan Rajagopalan for the 5th respondent.

12.The plea of Mr.Kandhan Duraisami is that, under Section 19(4) of the Right to Information Act, 2005, (hereinafter referred to as the 2005, Act) when an appeal relates to information of a third party, the State Information Commission has to give a reasonable opportunity to the third party and only thereafter, pass an order. As comments have been made on the petitioner's documents without giving him an opportunity, he pleads



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that the order requires to be interfered with and quashed. To the pointed

enquiry as to why the petitioner is attempting to support the delinquent officer, Mr.Kandhan Duraisami categorically states that he is not holding a brief on his behalf, but is aggrieved by the fact that certain findings have been given by the authorities as if his documents are forged.

13.The word 'information' is defined under Section 2(f) of the 2005, Act. The said provision reads as follows:-

“2(f) “information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;”

14.Under Section 19(4) of the 2005 Act, if any information relates to a third party, then the Information Commission has to hear that third



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party. The information sought for by M.Swamidas, related to official acts of the Tahsildar, as to how he transferred the patta from his name to the name of the writ petitioner. This relates to an official duty of the Tahsildar, Kodaikanal, and not with respect to any information within the special and exclusive knowledge of the 3rd respondent.

15.A patta is a document maintained during the course of the duties by the revenue department. Any patta will have to relate to a private party. Under the 2005 Act, any person can seek an information with respect to any record officially maintained by the concerned officials, as long as it falls within the period of twenty years. The word “information” found in Section 2(f), means information that relates personally to a third party, but not which would affect his privacy and other aspects of their personal life. It certainly does not include any information for which a certified copy could otherwise be obtained.



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16. When a citizen seeks for information and it does not fall under

any of the clauses created under Section 8 of the 2005 Act, then it is the duty of the Public Information Officer to furnish the same to the applicant. In case, the information so furnished is not satisfactory, the aggrieved person is entitled to file an appeal to the appellate authority, and even if he does not succeed there, he has a right to appeal under Section 19 to the State Information Commission with respect to the matters covered by it. This is what has transpired in the present case.

17. The 3rd respondent wanted copies of the records to determine the basis on which, patta in his name had been transferred to the petitioner's name. The Tahsildar did not furnish it. Hence, he approached the State Information Commission. The State Information Commission directed the Tahsildar to furnish it. The information furnished by the Tahsildar, to the understanding of the State Information Commission, was misleading. Hence, it had directed to initiate proceedings against the



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Tahsildar. When proceedings are initiated against the Tahsildar, if at all

anybody can be said to be aggrieved, it would be that person who is

holding post, and not the person who has been benefited with the patta.

The Tahsildar is entitled to challenge the order passed by that authority. In

service matters, Public Interest Litigation is not maintainable as to

whether disciplinary proceedings should be initiated or dropped.

Government Servants are not helpless for them to require a third party to

assist them in challenging the disciplinary proceedings initiated against

them.

18.Mr.Kandhan Duraisami is clear. As pointed out above, he is not holding a brief for the Tahsildar. Hence, the matters stops there.

19.Insofar as the finding given by the State Information Commission, that the documents on the basis of which the mutation had taken place are forged, it will not be binding on the petitioner. This is for a simple reason that the petitioner was not heard, and the State



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Information Commission is not a Civil Court competent to enter upon a

finding as regards the validity of the documents. It can merely state whether the information furnished is misleading or otherwise, as it has jurisdiction to do so. Hence, any finding given by the State Information Commission that the documents of the petitioner are forged, will not bind the petitioner, in case she initiates any proceeding before the jurisdictional Civil Court to assert her title to the property. If that is the situation with respect to a dispute resolution authority, the same situation will equally prevail with respect to any finding that has been given by the enquiry officer, as regards the nature of delinquency of the Tahsildar, Kodaikanal Taluk. Those findings too, will not affect the petitioner from approaching the Civil Court and assert her title, if she is so advised.

20. With the above observations, the Writ Petition is disposed of.

Consequently, the connected miscellaneous petitions are closed. No costs.



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Neutral Citation : Yes / No

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V.LAKSHMINARAYANAN, J.

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