



W.P.No.8085 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.8085 of 2024
and
W.M.P.No.9034 of 2024

S.Ilango

... Petitioner

VS.

The Public Information Officer,
Office of the Executive Engineer,
Foreshore Estate Division (FSE DN)
Tamilnadu Housing Board
485, Annasalai,
Nandanam,
Chennai – 600 035.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to respondent in his letter No.P.Pa.Co/Tha.Aa.Vu.Sa/069/2017/007108, dated 23.02.2024, quash the same.

For Petitioner : Mr.C.P.Arivudainambi

For Respondent : Mr.D.Veerasekaran



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ORDER

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The Writ Petition is filed challenging the order passed by the respondent in No.P.Pa.Co/Tha.Aa.Vu.Sa/069/2017/007108, dated 23.02.2024 refusing to furnish certain information sought for by the petitioner.

2. It is the case of the petitioner that he is an allottee of the flat constructed by the respondent-Board and he found the construction was substandard. Therefore, he filed a writ petition before this Court in W.P.No.35202 of 2023 seeking a direction to the respondent-Board to stop payment of bills to the civil contractor, who was engaged by the Board for construction and for other consequential relief. During pendency of the writ petition, the petitioner filed an application before the respondent under the provisions of Right to Information Act, 2005, seeking certain documents relating to construction of the building like 'M'book, Bill of Quantities etc. The said information/documents sought for by the petitioner was refused by the respondent by citing the pendency of the writ petition. Aggrieved by the same, the petitioner has come before this Court. In support of his



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contention, the learned counsel relied on the decision of Apex Court in ***S.G.Jaisinghani vs Union of India and others*** reported in ***AIR 1967 SC 1427***.

3. If the Public Information Officer refused to furnish any information, under Section 19(1) of Right to Information Act, 2005, petitioner/aggrieved party is entitled to file an appeal before the prescribed Appellate Authority. Further, against the decision of the Appellate Authority, a second appeal will lie before the State Information Commission under Section 19(3) of the Right to Information Act, 2005.

4. In view of the availability of not only the appeal remedy before the Appellate Authority but also the availability of remedy of second appeal before the State Information Commission, there is adequate remedy available under Right to Information Act, 2005 for the petitioner against the impugned order passed by the respondent. The petitioner herein is complaining of violation of his statutory rights under Right to Information Act. The act provides for adequate remedy against the orders passed by Public Information Officer. The contention of petitioner that order of refusal



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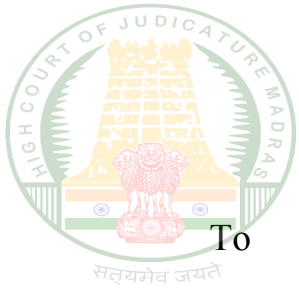
passed by respondent will not fall within four corners of said act can be agitated before the appellate authority and second Appellate Authority constituted under the Act. Therefore, this Court is not inclined to entertain this writ petition.

5. Accordingly, the Writ Petition stands dismissed. The petitioner is given liberty to file an appeal before the prescribed Appellate Authority under Section 19(1) of the Right to Information Act, 2005, within a period of four weeks from the date of receipt of copy of this order. The said Authority shall entertain the same and disposed it of in accordance with law. No costs. Consequently, the connected writ miscellaneous petition is closed.

06.01.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

Note:-The Registry is directed to return the original impugned order to the learned counsel for the petitioner, after getting necessary endorsement.



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To

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S.SOUNTHAR, J.

dm

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