



W.P.No.14299 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.14299 of 2024

and

W.M.P.No.15533 of 2024

Tamil Nadu Wakf Board,
Represented by its Chief Executive Officer,
Darez Ahamed,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600 001.

...Petitioner

-Vs-

1.The State Chief Information Commissioner,
Tamilnadu Information Commission,
Block No.19, Government Farm Village,
Pernpet, Nandanam,
Chennai – 600 035.

2.Y.Akbar Ahmed,
Old No.113, New No.257,
Amir Mahal,
Royapettah, Chennai – 600 014.

3.Public Information Officer,
Personal Assistant to the Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Tambaram Division,
Chennai.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari, calling for the records of the 1st respondent pertaining to the order dated 23.04.2024 in Case No.C.P-2115/SCIC/2021 and quash the same and pass such further orders.

For Petitioner	:	Mr.S.Saravanan
For R1	:	Mr.C.Vigneswaran, Standing Counsel
For R2	:	No appearance
For R3	:	Mrs.R.L.Karthika, Government Advocate

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorari, calling for the records of the 1st respondent pertaining to the order dated 23.04.2024 in Case No.C.P-2115/SCIC/2021 and to quash the same.

2. The Petitioner is a statutory body established under the Wakf Act, 1995, and discharges statutory duties and functions. The second respondent filed an RTI application on 27.08.2021, seeking information from the office of the Revenue Divisional Officer (RDO), Tambaram. The RDO, in turn, forwarded part of the query to the Petitioner Board, assuming that the information sought pertained to them. The Petitioner's Public Information



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Officer responded to the second respondent on 03.01.2022. However, the first respondent (State Information Commission) passed an order on 23.04.2024 in Case No.C.P.2115/SCIC/2021, directing the Petitioner to pay compensation of Rs.10,000/- to the second respondent for allegedly furnishing incorrect information. Aggrieved by the said order, the Petitioner has approached this Court through the present Writ Petition.

3. Learned counsel appearing for the Petitioner submits that the impugned order was passed without issuing any notice or affording an opportunity of hearing to the Petitioner, thereby violating the principles of natural justice. It is further submitted that the query specifically pertained to the RDO's report and not to the Petitioner Board, yet the information request was wrongly redirected to the Petitioner. Moreover, in a similar appeal concerning the same RTI application, the first respondent had earlier dismissed the case on 17.04.2024, in view of the demise of the Public Information Officer. The learned counsel also contends that the first respondent failed to consider relevant communications and records and has passed inconsistent and unjust orders without proper application of mind.

4. A counter affidavit was filed by the 2nd respondent on 13.06.2024.



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WEB COPY5. Learned Standing Counsel appearing for the 1st respondent submits that, at the time of admission, this Court granted an order of interim stay in W.M.P.No.15533 of 2024 in W.P.No.14299 of 2024 dated 29.05.2024. Thereafter, the 1st respondent herein has filed the vacate stay petition in W.M.P.No.20329 of 2024 in W.P.No.14299 of 2024 dated 28.06.2024 to vacate the interim order dated 29.05.2024 passed in W.M.P.No.15533 of 2024 in W.P. No.14299 of 2024.

6. It is further submitted that, in accordance with the averments made in the affidavit filed in support of the vacate stay petition, the 1st respondent/writ petitioner appeared before the Commission and submitted certain documents to demonstrate that the information sought had been furnished. However, the Commission found that the information submitted was not relevant to the specific queries raised under the RTI application and, in exercise of the powers vested under the RTI Act, 2005, imposed a compensation of Rs.10,000/-. It is contended that there is no illegality or irregularity in the said order warranting interference by this Court.

7. Heard both sides and perused the materials available on record.



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WEB COPY8. In the present case, the 2nd respondent herein submitted an application dated 27.08.2021 under the Right to Information Act, 2005, to the office of the 3rd respondent, seeking certain information. The details of the information sought are as follows:

8. I further submit that the application under the RTI Act submitted on 27.08.2021 by the 2nd Respondent is with the office of the 3rd Respondent seeking for certain information as follows:-

“1. Please provide me with a copy of Report received by the Revenue Divisional Officer (Tambaram Division) from the Chief Executive Officer of Wakf Board and Superintendent of Wakf, Poonamallee, with respect to the letter in Na.Ka.2021/2020/A dated 03.12.2020 sent by the RDO (Tambaram Division) to the Chief Executive Officer of Wakf Board and Superintendent of Wakf, Poonamallee?

2. Please provide me with the Details, present status and a copy of Action taken Report received by the RDO (Tambaram Division) from the Chief Executive Officer of Wakf Board and Superintendent of Wakf, Poonamallee, with respect to the letters in Na.Ka.2021/2020/A dated 12.10.2020, 16.02.2021, 18.02.2021 sent by the RDO (Tambaram Division) to the Chief Executive Officer of Wakf Board and Superintendent of Wakf, Poonamallee?”

9. It is to be noted that it appears that the 3rd respondent, upon receiving the application, forwarded a portion of the queries to the petitioner Board, assuming that the information sought pertained to them. In response, the Public Information Officer of the petitioner Board furnished a reply on 03.01.2022. However, the 2nd respondent, not being satisfied with the reply, preferred a complaint before the 1st respondent/State Information



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Commission, which culminated in the impugned order dated 23.04.2024 in

Case No.C.P-2115/SCIC/2021, directing the petitioner to pay a compensation of Rs.10,000/- for allegedly providing incorrect information.

10. It is mentioned in the impugned order passed by the 1st respondent and the relevant paragraphs are extracted hereunder :

“4. On the basis of the above complaint petition, the case was listed for enquiry on 23-04-2024 before the Commission and summons were sent to both the parties. The petitioner was present for the enquiry. On behalf of the Public Authority, Thiru Balaji, Public Information Officer/PA to RDO, Tambaram, and Thiru V. Mohammad Salman, Wakf Inspector, Poonamallee Division, Poonamallee were present.

5. During the enquiry, the Public Information Officer/ PA to RDO has stated that a reply was sent to the petitioner for item No.1 on 12.10.2021 vide Letter No. R.C.No.2021/2020/B and submitted the copy before the Commission. But the petitioner Informed the Commission that he has not received it. Hence, the Commission directs the Public Information Officer/PA to RDO to send the proof of dispatch within five days from the date of receipt of this order to the Commission for item No.1, since the Public Information Officer has not brought it today.

.....

7. The PIO, Wakf Board, Poonamallee who appeared before the Commission for enquiry has submitted a copy of reply which was furnished by the Public Information Officer, Office of the Chief Executive Officer, Wakf Board, Chennai vide no. 10667/B4/2021/Chennai dated 03.01.2022 to the petitioner. But the petitioner informed the Commission that the reply is Irrelevant. On perusal, It is seen that the copies of Proceedings of RDO was sent to the petitioner Instead of Action taken report/status by the Wakf Board for the letters sent by the RDO, to the Chief Executive officer Wakf Board and Superintendent of Wakf, Poonamallee as sought for by the petitioner.”



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WEB COPY 11. In the impugned order, it is recorded that the petitioner was present for enquiry, and it is further noted that Thiru.Balaji, Public Information Officer/Personal Assistant to the RDO, Tambaram, and Thiru.V.Mohammad Salman, Wakf Inspector, Poonamallee Division, Poonamallee, were in attendance.

12. However, it is pertinent to note that the Tamil Nadu Wakf Board was neither issued any notice nor afforded an opportunity of hearing prior to the imposition of the penalty of Rs.10,000/- on the petitioner Board for allegedly failing to furnish correct information in respect of item No.2 of the RTI application. The impugned order, therefore, suffers from a violation of the principles of natural justice. The information of the second item sought by the 2nd respondent pertains exclusively to the office of the Revenue Divisional Officer, Tambaram Division, and does not relate to the petitioner, Tamil Nadu Wakf Board.

13. In the first question, the information sought for is a copy of the report received by the Revenue Divisional Officer (Tambaram Division) from



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the Chief Executive Officer of Wakf Board and Superintendent of Wakf, Poonamallee, and the 2nd question is pertaining to the status and a copy of the action report received by the Revenue Divisional Officer (Tambaram Division) from the Chief Executive Officer of Wakf Board and Superintendent of Wakf, Poonamallee.

14. Hence it is crystal clear and evident that both the information sought by the 2nd respondent is only from the Revenue Divisional Officer (Tambaram Division) and not from the Tamil Nadu Wakf Board, the petitioner herein, as rightly contended by the petitioner, 1st respondent has not applied his mind while passing the impugned order and imposed penalty of Rs.10,000/- for no fault on the part of the petitioner Board, and it is also to be mentioned that the petitioner Wakf Board is not a party to the proceedings before the 1st respondent. In the absence of the petitioner Board, being the party in the proceedings before the 1st respondent, it is not fair and proper on the part of the 1st respondent to pass such an order by using unwarranted remarks against the petitioner Wakf Board.

15. If the information sought for by the 2nd respondent is not furnished, it is the Revenue Divisional Officer (Tambaram Division), who is the 1st respondent, who has to be punished for not furnishing the information, and

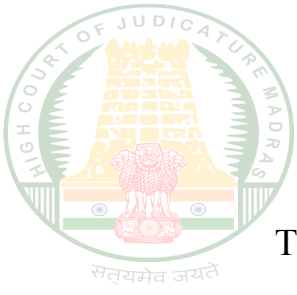


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the penalty ought to have been imposed on the 1st respondent instead of the petitioner Wakf Board.

16. The impugned order passed by the 1st respondent pertaining to the order dated 23.04.2024 in Case No.C.P-2115/SCIC/2021 is liable to be quashed on the following grounds:

- a) The petitioner Wakf Board is not a party in the proceedings before the 1st respondent.
- b) In the absence of the petitioner Wakf Board being the party in the aforesaid proceedings, it is not fair and proper on the part of the 1st respondent to impose a penalty of Rs.10,000/- on the petitioner.
- c) The 1st respondent has not given any notice or opportunity of personal hearing before passing the impugned order dated 23.04.2024 imposing the aforesaid penalty on the petitioner.
- d) The 2nd respondent has sought the action taken report, which was received by the Revenue Divisional Officer (Tambaram Division) from the petitioner Wakf Board, and nowhere he has asked the information directed by the petitioner Board.
- e) Both the information sought by the 2nd respondent is only from the Revenue Divisional Officer (Tambaram Division) and not from the



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Tamil Nadu Wakf Board, the petitioner herein

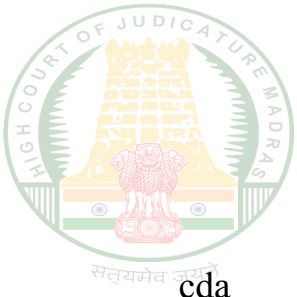
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f) There is nothing atrocious committed by the Public Information Officer, Office of the Chief Executive Officer, Wakf Board, Chennai, as stated in the 1st respondent's impugned order.

g) In fact, as rightly contended by the petitioner Wakf Board, the 1st respondent has not applied his mind while passing the impugned order, even without examining whether the information is sought from the petitioner Wakf Board or from the Revenue Divisional Officer (Tambaram Division) in the writ petition.

17. In view of the above facts and circumstances of the case, the impugned order passed by the 1st respondent in Case No.C.P-2115/SCIC/2021 dated 23.04.2024 is liable to be quashed. Accordingly, the same is quashed.

In the result, the **writ petition stands allowed with the above observations**. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes

Speaking Order : Yes

Neutral Citation : Yes

To

1.The State Chief Information Commissioner,
Tamilnadu Information Commission,
Block No.19, Government Farm Village,
Pernpet, Nandanam,
Chennai – 600 035.

2.Public Information Officer,
Personal Assistant to the Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Tambaram Division,
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J.SATHYA NARAYANA PRASAD, J.

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