



Rev.Appl.No.235 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Rev.Appl.No.235 of 2024 against
in W.A.No.3024 of 2023

R.Vijayan .. Party-in-Person

Vs.

1. The Commercial Tax Officer
O/o. Commercial Tax, Gobald Lane
Rangasamuthiram, Sathyamangalam.

2. The Deputy Commissioner (CT)
O/o. Commercial Tax, Brough Road
Erode.

3. The State Information Commissioner
O/o. State Information Commission
Teynampet, Chennai – 600018.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
to review the order dated 12.03.2024 in W.A.No.3024 of 2023.

Party-in-Person : Mr.R.Vijayan

For the Respondents : Mr.C.Harsha Raj
Additional Government Pleader
for R1 and R2



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ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

This review application has been filed seeking to review the order passed by the Division Bench dated 12.03.2024 made in W.A.No.3024 of 2023.

2. The applicant in the review application was the information seeker under the Right to Information Act, 2005. He sought certain information from the Public Information Officer, which was not supplied to him. He had filed an appeal before the First Appellate Authority under the Right to Information Act, 2005, where also, he could not succeed. Against which, he filed a second appeal or a further appeal before the State Information Commissioner, where, the order passed by the First Appellate Authority, having been considered, was reversed and the State Information Commissioner, being the Second Appellate Authority had given directions to furnish the information sought by the applicant within a period of fifteen days. The said information had been supplied to the applicant.

3. Not satisfied with the same, the applicant filed W.P.No.18300 of 2013, where, he sought a prayer of certiorarified mandamus, calling for the records in respect of the enquiry of the



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case No.43133 of 2011, altered as case No.4306 of 2013, conducted by the Tamil Nadu State Information Commission and quash the same and direct the first respondent therein to give the information sought under the Right to information Act, 2005, with exemplary cost. The said writ petition, having been considered, was disposed by the order of the Writ Court vide the order dated 26.10.2022, where, the following orders have been passed:-

"3. It is now submitted by the petitioner that the information as sought has been furnished with delay. However, he has been put into lot of agony and torture all these years and therefore, he seeks compensation.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. The very prayer in the Writ Petition itself is directing the 1st respondent to give information sought under the Right to Information Act, 2005 and no compensation whatsoever is sought. Therefore, the impugned order itself directed the information to be furnished by the 1st respondent and now the information has already been furnished, this Court is of the view that the question of awarding compensation does not arise at all. Only when the State Information Commission finding that information has been



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withheld without any reasonable cause and refused to receive any application or information or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information, the maximum penalty can be twenty five thousand rupees. Whereas the entire impugned order does not speak about any malafide action on the part of the respondents or withheld the documents without any reasonable cause.

6. In such view of the matter, the compensation cannot be ordered in this Writ Petition. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed."

4. Aggrieved over the said order, he has preferred an intra-Court appeal in W.A.No.3024 of 2023, where, the applicant's main contention was that there has been a delay in furnishing the information, therefore, the applicant is entitled to get compensation. The said issue, having been considered, the Division Bench has held as follows:-

"9. It would appear that no delay was caused after the second appeal filed by the appellant was allowed. The Second Appellate Authority had



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directed the first respondent to supply the information within 15 days from the date of receipt of the said order. The information was supplied within a period of twelve days.”

5. Therefore, it was the factual finding of the Division Bench in the order sought to be reviewed herein that the Second Appellate Authority had directed the first respondent to supply the information within fifteen days from the date of receipt of a copy of the said order. The information was supplied within a period of twelve days. Therefore, there has been no delay. The Division Bench has further held that the first respondent was under bonafide belief that the information sought by the applicant was exempted under the provisions of Sections 8(1)(d) and 8(1)(j) of the Right to Information Act, 2005. The said statement was also upheld by the First Appellate Authority, however, only the second Appellate Authority, since has reversed the said findings, directed the first respondent to supply the information to the applicant. Thereafter, the information was supplied without any delay. Therefore, ultimately, the Division Bench has come to the conclusion that the writ appeal deserves to be dismissed and accordingly, the same was dismissed through the order dated 12.03.2024.



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6. In this context, the present review application has been filed by the applicant stating that the information has not only been delayed, but also false information has been given by the Information Officer, that is the first respondent, therefore, he is entitled for compensation.

7. We have heard *Mr.R.Vijayan*, the applicant who appears as party-in-person and *Mr.C.Harsha Raj*, learned Additional Government Pleader for respondents 1 and 2.

8. It is not at all a case either before the Writ Court or before the Division Bench that false information has been furnished by the first respondent and on that count also, he is entitled for compensation. Therefore, that issue was not canvassed or never been discussed either by the Writ Court or by the Division Bench.

9. That apart, whether the information furnished by the first respondent was a falsified one or not cannot be gone into at this stage by this Court in the present *lis*. Moreover, once the information has been sought and the same is furnished, based on which if any further action has to be taken by the information



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seeker in the manner known to law, it is open to such information seeker to make use of such information furnished by the Public Information Officer under the Right to Information Act, 2005 and therefore, the said allegation of false documents have been furnished cannot be countenanced, as it cannot be scrutinized by this Court at this stage.

10. Therefore, we do not find any apparent error in the order dated 12.03.2024, which is sought to be reviewed in this application. Resultantly, this review application fails, hence, the same stands dismissed. However, there shall be no order as to costs.

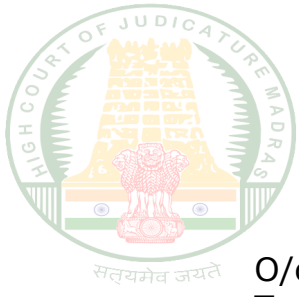
(R.S.K., J.) (D.B.C., J.)
07.04.2025

Neutral Citation:Yes/No

drm

To:

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R. SURESH KUMAR, J.
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D.BHARATHA CHAKRAVARTHY, J.

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