



W.P.(MD) No.5566 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.5566 of 2025

V.Pitchai

... Petitioner

Vs

1. The Information Commissioner,
Tamil Nadu Information Commission,
No.19, Arasu Pannai Illam, Panpet,
Nandanam, Chennai - 600 035.
2. The 1st Appellate Authority & Assistant
Director of Town Panchayats,
Madurai District Collectorate Complex,
Madurai - 625 020, Madurai District.
3. The Public Information Officer (PIO)
and Executive Officer, Town Panchayat,
Paravai - 625 402, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the order passed by the 1st respondent in Case No. SA 776/D/2024 dated 19.12.2024 and quash the same and consequently directing the respondents to provide the information sought by the petitioner in his application dated 20.09.2023 and to impose penalty for denial of the information for around 17 months by the 2nd and 3rd



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respondents in a time bound manner.

For Petitioner : Mr.K.Alagarsamy
For Respondents : Mr.M.Gangatharan,
Govt. Advocate

ORDER

This Writ Petition is filed challenging the order passed by the first respondent, dismissing the second appeal filed by the petitioner.

2. The petitioner herein filed an application under Right to Information Act before the third respondent seeking certain information relating to the construction in 7th Street, 'A' Colony, AIBEA Nagar and also details regarding layout, approval, etc. The information sought for by the petitioner was refused by the third respondent. Aggrieved by the same, the petitioner preferred first appeal on 30.11.2023 before the second respondent. Since the petitioner has not received any response from the second respondent, within the time allowed by law, the petitioner preferred a second appeal on 20.01.2024 before the first respondent. The second appeal preferred by the petitioner was disposed of by negating the request for furnishing information. Aggrieved by



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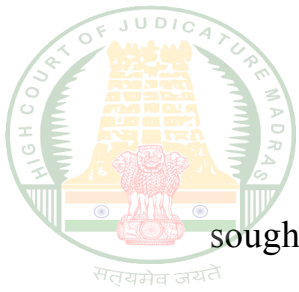
the same, the petitioner has come before this Court.

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3. The learned counsel appearing for the petitioner would submit that the second appeal filed by the petitioner was rejected on the ground that the information sought for by the petitioner could not be given to him in view of pendency of a case before the Court. The learned counsel for the petitioner would submit that mere pendency of a case before the Court cannot be a reason to refuse information sought for by the petitioner, unless it is exempted under the provisions of Right to Information Act, 2005 (hereinafter referred to as 'RTI Act, 2005').

4. A perusal of the impugned order would indicate that the first respondent assigned two reasons for dismissing the second appeal filed by the petitioner. The first reason is that the information sought for by the petitioner was furnished to him and the second reason is that in view of the pendency of a case before the Court, the information will be furnished only after disposal of the case.

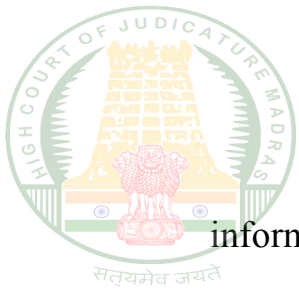
5. In response to the application filed by the petitioner under the RTI Act, 2005, the third respondent in his proceeding in Na.Ka.No. 230/2023, dated 20.10.2023, sent a reply stating that the information



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sought for by the petitioner could not be furnished to him in view of the order passed by the State Information Commissioner in S.A.2621, dated 07.01.2016. Therefore, it is clear that out of 11 informations sought for by the petitioner, no information was furnished for 10 matters. Only in respect of 8th query, the information sought for by the petitioner was furnished by the third respondent. Therefore, the representation made by the third respondent before the first respondent as if all the informations sought for by the petitioner were furnished is not correct, in the light of the proceedings of third respondent dated 20.10.2023 referred above. The first respondent without perusing the reply given by the third respondent to the RTI query of the petitioner, accepted the same and dismissed the second appeal.

6. The other reason given by the first respondent for dismissing the second appeal is that a case is pending pertains to the subject matter and therefore, the information sought for could not be furnished. The second reasoning given by the first respondent is not sustainable in the light of the provision of RTI Act, 2005. Unless the information sought for by the applicant is coming within the exemptions under Sections 8 and 9 of the RTI Act, 2005, the Public Information Officer is bound to furnish the



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information sought for. Mere pendency of a case regarding the subject matter of the query raised by the petitioner, cannot be a reason to refuse the information. Further, the first respondent in the impugned order has not given any details of the case, which was pending pertains to the query raised by the petitioner.

7. In these circumstances, the impugned order passed by the first respondent cannot be sustained and accordingly, the same is set aside. This Writ Petition stands allowed. The matter is remanded back to the file of first respondent with a direction to consider the second appeal filed by the petitioner in accordance with law and dispose of the same within the time allowed under the provisions of RTI Act, 2005. There shall be no order as to costs.

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Index: Yes/No

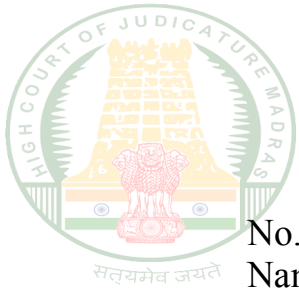
Internet: Yes/No

Neutral Citation: Yes/No

To

1. The Information Commissioner,
Tamil Nadu Information Commission,

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