



WEB COPY

WP No. 4283 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 4283 of 2020
and W.M.P.Nos.5070 & 5073 of 2020**

T.Arul Kumar

..Petitioner(s)

Vs

1. The Tamil Nadu Information Commission,
Rep. by its Commissioner,
No. 2, Thiyagaraja Road,
Eldams Road Junction,
Teynampet, Chennai -18.

2. P.S.Selvaraj,

..Respondent(s)

Prayer : Petition filed under Article 226 of the Constitution of India praying issuance of a Writ of Certiorari calling of the records of the 1st respondent in its Case No.SA 3203/D/2019 dated 23.10.2019 and quash the same.

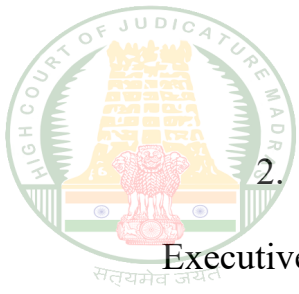
For Petitioner(s): M/s. V.Vijay Shankar

For Respondent(s): Mr.Niranjan Rajagopal

R-2 (Not ready in notice)

ORDER

The present Writ Petition has been filed challenging the order passed by the 1st respondent dated 23.10.2019 in and which, the penalty has been imposed with a direction to take disciplinary action against the petitioner alleging that there was a lapse on the part of the petitioner in not furnishing the information as sought for through the RTI Application filed before the 1st respondent by the 2nd respondent.



2. It is the case of the petitioner that while he was serving as an Executive Officer at Thorapadi Town Panchayat, Cuddalore District, on the basis of the complaints received from the residents of the locality called Friends Colony falling within domain of the said panchayat, for removal of he encroachments such as trees and plants, the encroachments were removed. Whiles, the 2nd respondent being one of the residents of the said locality submitted a representation dated 26.11.2018 to the Town Panchayat Office regarding the manner in which, the encroachments in and around the 2nd respondent's house were removed. In response to which, though the petitioner had given suitable reply on 29.11.2018, the 2nd respondent being not satisfied with the reply furnished by the petitioner, had filed an Application before the 1st respondent under the Right To Information Act, 2005 on 19.12.2018.

3. Pursuant thereto, the petitioner received a letter dated 19.09.2019 from the Assistant Director of Town Panchayat Office seeking a reply with regard to the queries raised by the 2nd respondent pursuant to which, the petitioner had furnished the information sought for through his reply dated 17.10.2019. Subsequently, a notice was issued by the 1st respondent 23.10.2019 calling upon the petitioner to appear for enquiry. Despite the petitioner having appeared for enquiry and given suitable reply, the present impugned order dated 23.10.2019 has come to be passed holding that there was a lapse on the part of the petitioner in not furnishing the information as sought for thereby imposing a cost of Rs.1000/- towards compensation with a recommendation to take disciplinary



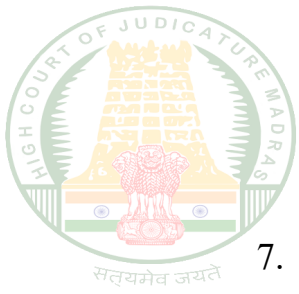
action against the petitioner. Aggrieved by the said finding, the petitioner had come forward with the present Writ Petition.

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4. Learned counsel for the petitioner submitted that though the 1st respondent Commission is vested with powers under Section 19 of the Right to Information Act, 2005, no opportunity of hearing was given to the petitioner so to explain the information furnished by the petitioner to the 2nd respondent before the imposition of penalty and recommendation of disciplinary action which is in violation of principles of natural justice. Therefore, the impugned order passed by the 1st respondent is wholly unsustainable and the same requires interference.

5. Learned counsel appearing for the 1st respondent submitted that the 2nd respondent had initially sought certain information from the petitioner in response to which, the petitioner had failed to furnish the information as sought for within the prescribed time thereby the 2nd respondent approached the 1st respondent under the provisions of the Right to Information Act, 2005 pursuant to which, the directions were issued to the petitioner to furnish the required information. He further contended that it is solely due to the failure on the part of the petitioner in complying with the statutory obligations under the Act, the present impugned order had come to be passed and therefore, the same cannot be interfered with. Accordingly, he prayed for dismissal of the Writ Petition.

6. Heard the learned counsel appearing on either side and perused the materials available on record.



7. On perusal of the entire papers on record, this Court finds that it is not the finding of the 1st respondent that the petitioner has not provided the information sought for. Such being the case, there being the compliance of the Provisions of the Right to Information Act, 2005 resorting to information of penalty under Section 20 of the Act is wholly impermissible as the circumstances under which the penalty is leviable as provided for under Section 20. Further, there is no finding in the impugned order as to which of the ingredients contemplated under Section 20(1) stands attracted. Such being the case, the imposition of penalty on the petitioner is wholly erroneous and unsustainable and accordingly, the impugned order deserves to be set aside.

8. Accordingly, the Writ Petition is allowed and the impugned order passed by the 1st respondent dated 23.10.2019 is hereby set aside. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

03-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The Commissioner,
The Tamil Nadu Information Commission,
No. 2, Thiyagaraja Road,
Eldams Road Junction,
Teynampet, Chennai -18.



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M.DHANDAPANI, J.

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