IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 15968 of 2026

Kothandan.K.
S/o.Kariyan, Ganesapuram Colony, Viyasapuram
Post, Thirutani, Taluk, Thiruvallur District.631210.

..Petitioner(s)

Vs

1. The Chief Information Commissioner,
   Tamil Nadu Information Commission, No.19,
   Government Farm Village, Panepet,
   Nanadanam, Chennai 600035.

2. The First Appellate Authority Cum
   Revenue Divisional Officer, (RTI Act), Office
   of the Revenue Divisional Officer, Thirutani
   631209.

3. Public Information Officer,
   Office of the Revenue Divisional Officer,
   Thirutani 631209.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 1st respondent vide C.P.No.4425 -C-2022, dated 23/07/2025, and set aside the same, as the 1st respondent had not exercised his power as contemplated under section 19(8) (b) of the Right to information Act 2005 and further direct the respondents to pay adequate compensation to the petitioner as contemplated under Section 20 of the Right to information Act 2005, for giving incorrect, misleading incomplete informations, sought by the petitioner vide application dated 15/09/2022 and deliberately delayed in furnishing the information till 17/07/2025, as recorded in the proceedings of the 1st respondent.

For Petitioner(s): Mr.B.Balavijayan

For Respondent(s): Mr.Sivavardhan, Government Counsel RR2 & 3
Mr.C.Vignewaran, R1

ORDER

This petition has been filed seeking to quash the impugned order passed by the 1st respondent vide C.P.No.4425 -C-2022, dated 23/07/2025, and as the 1st respondent had not exercised his power as contemplated under section 19(8)(b) of the Right to information Act 2005 and further direct the respondents to pay adequate compensation to the petitioner as contemplated under Section 20 of the Right to Information Act 2005, for giving incorrect, misleading incomplete informations, sought by the petitioner vide application dated 15/09/2022 and deliberately delayed in furnishing the information till 17/07/2025, as recorded in the proceedings of the 1st respondent.

2. It is the case of the petitioner that he made an application under the RTI Act, seeking information from the office records of the Revenue Divisional Officer, Tiruttani/third respondent. The third respondent has not respond the information sought by the petitioner, even after lapse of the statutory period. Therefore, the petitioner approached the first appellate authority seeking information under RTI Act and they have also not responded the same. Thereafter, the petitioner made application before the second appellate

authority/first respondent to take action against the authorities under Section 20 of the RTI Act and also to impose compensation under Section 19 of the Act. After notice, the 3rd respondent furnished certain information to the petitioner and the same was not relevant to the information sought under the RTI Act and also furnished the same after three years. However, on 23.07.2025, the first respondent condemned the act of the 3rd respondent and simply closed the case of the petitioner. Challenging the same, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submits that originally an application was made seeking to furnish certain informations, on 15.09.2022. Admittedly, in and by the proceedings of the first respondent, it could be seen the said information were said to have been given on 17.07.2025. There happens to be an inordinate, unexplained delay by the 3rd respondent. In that event, the first respondent ought to have exercised its powers under Section 19 and 20 of the Act. As such, the first respondent is well empowered to impose penalty/compensation to the complainant. Therefore, this Court may allow the writ petition and to impose a cost against the respondents.

4. The learned Government Counsel appearing for the respondents submitted that the petitioner has an efficacious alternative remedy of filing a second appeal under Section 19(3) of the RTI Act before the State Information

Commission itself, or approaching the competent authority under the Act.

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

6. The facts of the case are admitted. As per section 20 of the RTI Act vests discretionary power in the information commission to impose penalty. This Court, in exercise of writ jurisdiction under Article 226, will not ordinarily interfere with the discretionary orders of the Commission unless there is manifest arbitrariness or illegality. The impugned order dated 23.07.2025 does not suffer from such infirmity.

7. The first respondent has already condemned the act of the 3rd respondent in the impugned order. The petitioner's grievance regarding non-imposition of penalty does not warrant interference at this stage, as the Commission has given reasons for closing the appeal. This Court finds no failure of justice or violation of fundamental rights that would justify invoking the extraordinary jurisdiction under Article 226 of the Constitution of India.

8. Further, as rightly submitted by the learned Government Counsel, if the petitioner has any grievance, he has an alternative remedy to approach the competent forum. Writ jurisdiction cannot be invoked when a statutory remedy exists.

9. In view of the above, this Court is not inclined to entertain the present writ petition. Accordingly, the writ petition is dismissed. No cost. Consequently, connected miscellaneous petition is closed.

01-06-2026

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

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M.DHANDAPANI, J.

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