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W.P. No.2746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.06.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.2746 of 2023

Balasubramaniam

..Petitioner(s)

Vs

1. The District Collector
Puducherry.
2. Thasildhar
Bahour, Puducherry.
3. Public Information Officer-cum-The
Commissioner,
Nettapakkam Commune Panchayat,
Puducherry.
4. The Deputy Director (RD) cum First appellate
Authority,
Puducherry.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records relating to impugned order bearing No.8393/ DD/ (RD)/ LAD/ RTI/ 2022-23 dated 08.08.2022 on the file of the 4th respondent and quash the same and consequently direct the respondents to furnish the copy of survey report and copy of removal report of encroachment with regard to kuttai poramboke comprised in Survey No.58/6 situated at Nettapakkam commune Panchayat, Puducherry by considering the petitioners representation dated 03.08.2022 under RTI



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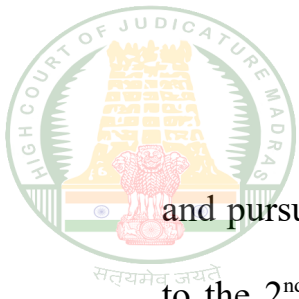
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For Petitioner : Mr. U. Karunakaran
For Respondents : Mr.R. Sreedhar
Addl. Govt. Pleader (P)

ORDER

This writ petition has been filed to call for the records relating to impugned order bearing No.8393/ DD/ (RD)/ LAD/ RTI/ 2022-23 dated 08.08.2022 on the file of the 4th respondent and quash the same and consequently direct the respondents to furnish the copy of survey report and copy of removal report of encroachment with regard to kuttai poramboke comprised in Survey No.58/6 situated at Nettapakkam commune Panchayat, Puducherry by considering the petitioners representation dated 03.08.2022 under RTI.

2. The case of the petitioner is that he is the owner and cultivator of certain agricultural lands situated in Nettapakkam Commune Panchayat, Puducherry. According to him, the Thangal Kuttai poramboke land in R.S.No.58/6 has been used as a pathway by him and the public for accessing the agricultural lands. Alleging encroachment of the said poramboke land by a neighbouring land owner, the petitioner had earlier approached this Court. Thereafter, he filed writ petition viz., W.P. No.22691 of 2021 before this Court

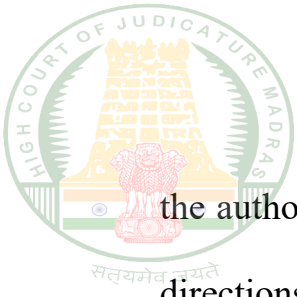


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and pursuant to which, this court vide order dated 27.10.2021 issued directions to the 2nd respondent therein to conduct a survey and to send a report to the authorities concerned.

3. It is the further averment that thereafter the petitioner made an application under Section 6(1) of the Right to Information Act, 2005 before the 3rd respondent seeking copies of the survey report relating to the Kuttai poramboke land comprised in R.S.No.58/6 situated at Nettapakkam commune panchayat and the report regarding removal of encroachment. However, the information sought for by the petitioner was not furnished in full. Aggrieved by the same, the petitioner preferred a statutory appeal before the 4th respondent. Though the 4th respondent passed the impugned order dated 08.08.2022 stating that the information had already been furnished, it is his grievance that the full details sought by the petitioner was not furnished. Aggrieved by the said order of the 4th respondent dated 08.08.2022, this writ petition has been filed.

4. Learned counsel for the petitioner submitted that the 4th respondent without considering the petitioner's request in a proper manner, has merely rejected and thus the requisite information sought for was not furnished to the petitioner. He submitted that though this Court had earlier issued directions to



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the authorities to conduct a survey and remove encroachment, till date, the said directions have not been complied with. Therefore, he prayed for issuance of appropriate directions in the above regard.

5. Per contra, learned counsel appearing for the respondents submitted that the impugned order has been passed by the 4th respondent after following the due provisions prescribed under the Right to Information Act. He further submitted that if the petitioner is aggrieved by the order of the 4th respondent / Appellate Authority, he can very well file second appeal before the Central Information Commission under the Act. Therefore, without exhausting the statutory remedy, the writ petition is not maintainable.

6. Heard the submissions made by learned counsel on either side and perused the materials available on record.

7. The grievance of the petitioner relates to the alleged non-furnishing of information sought under the Right to Information Act by the Original Authority or Appellate Authority. The Act itself provides a further statutory remedy before the Central Information Commission against an order passed by the Appellate



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Authority. When such an effective alternative remedy is available, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India.

8. Accordingly, the writ petition is disposed of granting liberty to the petitioner to work out his remedy before the Central Information Commission, New Delhi, in the manner known to law. If such proceedings are initiated, the said authority shall consider the same on merits and in accordance with law. No costs.

08.06.2026

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

vsi2

To :

1. The District Collector
Puducherry.

2. Thasildhar
Bahour, Puducherry.

3. Public Information Officer-cum-The Commissioner,
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