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Court : Chennai Madurai

Decided On : Nov-08-2016

Judge : V. Bharathidasan

Appeal No. : Writ Petition (MD) No. 14267 of 2016

Appellant : A. Kanagaraj

Respondent : The Tamil Nadu State Information Commissioner, O/o. The State Information Commission, Teynampet and Another

Judgement :

(Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent in Valakku No.4952/Maruvisaranai/B/2014 (25264/B/2014) dated 03.02.2016 and quash the same as illegal and for a consequential direction to the respondent to provide information as sought for in the petitioner's application dated 14.11.2013 under the Right to Information Act, 2005 within the period that may be stipulated by this Court.)

1. Challenging the order passed by the State Information Commissioner, the first respondent herein dated 03.02.2016 directing the second respondent to permit the

petitioner to peruse documents relating to the query raised by the petitioner under Section 6 of the Right to Information Act, 2005 (for brevity, the Act) and to give copies of the documents not exceeding 50 pages, the present writ petition has been filed.

2. Heard Mr.M.Jerin Mathew, learned counsel appearing for the petitioner and Mr.K.K.Senthil, learned counsel appearing for the first respondent and Mr.R.Anandaraj, learned Government Advocate appearing for the second respondent.

3. The case of the petitioner, in brief, is as follows:-

The petitioner has approached the second respondent seeking list of documents relating to the land revenue, land survey and the list of officers in charge at the time of formation of Dindigul District by way of an application dated 14.11.2013. Since no order has been passed, the petitioner filed first appeal dated 17.12.2013 before the District Revenue Officer, Dindigul under Section 19 (1) of the Act. The said appeal has also not been considered by the District Revenue Officer, Dindigul. Therefore, the petitioner has filed a Second Appeal by way of a letter dated 03.02.2014 under Section 19(3) of the Act. Thereafter, the first respondent has passed an interim order directing the second respondent to give information to the petitioner as sought for by him in his application dated 14.11.2013 and submit a report within 30 days from the date of receipt of a copy of the order. While so, the second respondent sent a letter dated 20.11.2013 as if he has provided information as sought for by him. Therefore, the petitioner submitted another representation dated 11.07.2014 before the first respondent in this regard. As there was no response, the petitioner has filed W.P(MD)No.5783 of 2015. This Court, by an order dated 16.04.2015 disposed of the said writ petition and directed the first respondent to dispose of the appeal filed by the petitioner dated 11.07.2014 within a period of eight weeks from the date of receipt of a copy of the order. It is further stated that as per the direction given by this Court in the above said writ petition, the present impugned order came to be passed directing the second respondent to permit the petitioner to peruse documents relating to the query raised by the petitioner under Section 6 of the Act and to give copies of the

documents not exceeding 50 pages. Aggrieved over the same, the present writ petition has been filed.

4. The first respondent has filed counter affidavit inter alia contending that the list of documents sought for by the petitioner relating to land revenue and land survey in respect of each Ayan, Zamin and Inam revenue villages in Dindigul District which were prepared in the tenure of each Collector, District Revenue Officer, Assistant Director of Land Record after the formation of Dindigul District. It is further stated that the petitioner has also sought for photocopy of the entire file of the Dindigul Collectorate relating to the correspondence with the Madurai Collectorate pertaining to the handing over of revenue and land survey records. It is further stated that during the course of enquiry held on 03.02.2016, the second respondent herein submitted that the documents required by the petitioner are voluminous in nature which would not only disproportionately divert the resources of the public authority but also the documents would get damaged while handling as they are old documents. Therefore, the impugned order came to be passed directing the second respondent to permit the petitioner to peruse documents relating to the query raised by the petitioner and to give copies of the documents not exceeding 50 pages.

5. It is further stated in the counter that as per Section 7(9) of the Act, an information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

6. It is further submitted that earlier, the petitioner has sought for similar relief as that of the present writ petition and as it was rejected, the petitioner has filed W.P(MD)Nos.13874 of 2009, 2268 of 2010, 13680 and 1431 of 2011 before this Court. This Court by an order dated 07.07.2014 dismissed all the writ petitions.

7. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

8. Admittedly, earlier, the petitioner sought information pertaining to the records of the Estates in the entire Theni and Dindigul Districts relating to the pre-

independence period as well as post-independence period and without specifying the particular records, the petitioner has asked information relating to the registers maintained under the Estates Land Act, 1908 and Estate Abolition and Conversion into Ryotwari Act, 1948, Pimash Registers, names and other details of the Estate holders by submitting applications to the first respondent. The said request has been rejected by the first respondent. Challenging the said rejection, the petitioner filed W.P(MD)Nos.13874 of 2009, 2268 of 2010, 13680 and 1431 of 2011. This Court by an order dated 07.07.2014 dismissed all the writ petitions filed by the petitioner. The relevant portion of the order is extracted hereunder:-

10. In the case on hand, undoubtedly, the information asked for by the petitioner in all the writ petitions relate to several decades, running to several thousands of pages. If the official machinery is to be diverted to collect those information and to furnish the same to the petitioner, certainly, it will have adverse effect in the regular administration of the public office. Therefore, in my considered opinion, the first respondent, namely, the State Information Commissioner, was right in rejecting the request of the petitioner. Thus, I do not find any reason to interfere with the impugned orders challenged in any of these writ petitions.

9. In the case on hand, the petitioner has sought for similar documents relating to land revenue and land survey in respect of each Ayan, Zamin and Inam revenue villages in Dindigul District which were prepared in whose tenure of each Collector, District Revenue Officer, Assistant Director of Land Record after the formation of Dindigul District. It is pertinent to point out that though this Court dismissed the earlier writ petitions filed by the petitioner, the first respondent passed the impugned order stating that as the documents required by the petitioner are voluminous in nature which would not only disproportionately divert the resources of the public authority but also the documents would get damaged while handling, as they are old documents, hence the second respondent is directed to permit the petitioner to peruse documents relating to the query raised by him and to give copies of the documents not exceeding 50 pages.

10. For all the foregoing reasons, I find no infirmity or irregularity in the order passed by the first respondent. Accordingly, the writ petition fails and the same is

dismissed. However, there shall be no order as to costs.

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