

(2012) 06 MAD CK 0169

In the Madras High Court

Case No : Writ Petition No. 15211 of 2012 and M.P. No. 1 of 2012

M. Subramaniam

APPELLANT

Vs

The Tamil Nadu Information Commission

RESPONDENT

Date of Decision : 18-06-2012

Acts Referred:

Right to Information Act, 2005 — Section 6

Citation : (2012) 06 MAD CK 0169

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : N. Subramaniyan, for the Appellant;

Final Decision : Dismissed

Judgement

Honourable Mr. Justice K. Chandru

1. The petitioner has filed the present writ petition seeking to challenge an order dated 11.04.2011 issued by the State Information Commission advising the petitioner that his request on the information sought for cannot come within the purview of the Right to Information Act. It is seen from the records that the petitioner had initially sought an information from the second respondent relating to the land in Survey No. 146/2 covered by patta No. 155 and also wanted to know on what basis the patta was granted. When the same was not forthcoming, he had filed an appeal to the appellate authority, Revenue Divisional Authority, Coimbatore (South). It was informed by the Public Information Officer that the land showed in the land register only contains the extent of 271.0 hectares/Ares. The petitioner thereafter sent several communications seeking for further details with reference to the patta in the land covered and the basis for such coverage. Thereafter, he sent a complaint to the State Information Commission. The State Information Commission by the impugned order informed that only an information can be obtained from the RTI Act. There is no necessity to provide the basis for such decisions taken. Further there is no need to grant any explanation to the information available.

2. In this context, it is necessary to refer to a judgment of the Supreme Court in Khanapuram Gandaiah Vs. Administrative Officer and Others, . Though that case arose out of the court proceedings, the principles laid down therein will squarely apply to this case. Hence it is necessary to refer to the following passages found in paragraphs 10,12 and 13 of the said judgment which reads as follows :

10....This definition shows that an applicant u/s 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed, especially in matters pertaining to judicial decisions.

12....The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him.

13. A judge cannot be expected to give reasons other than those that have been enumerated in the judgment or order. The application filed by the petitioner before the public authority is per se illegal and unwarranted....

This court do not find any case is made out to interfere with the impugned order. The petitioner cannot conduct any roving enquiry with reference to the information sought for. If he is aggrieved on the basis of the information furnished and if he has got grievance over the claim for the land, he has to file an appropriate civil suit claiming title to the property and not to make continuous correspondence with the Commission and seek for details which need not be furnished under the RTI Act. This court do not find any illegality or irregularity in the order of the Commission. Hence the writ petition will stand dismissed. No costs. Consequently connected miscellaneous petition stands closed.