



RIGHT TO INFORMATION ACT-2005

TAMILNADU INFORMATION COMMISSION

Block No.19, Government Farm Village, Pernpet, Nandanam
Chennai - 600 035. Ph.No.044-29515590

DATE OF ORDER – 03.03.2025

PRESENT

Thiru.Md. SHAKEEL AKHTER, IPS (Retd)
STATE CHIEF INFORMATION COMMISSIONER

CASE No.CP-3318/SCIC/2022

Thiru. Surjit Augustine Rahul .. Petitioner

/Vs/

The Public Information Officer
Headquarters Deputy Tahsildar, (HqDT)
Thiruporur Taluk .. Public Authority
Chengalpattu District.

Order

The petitioner has sent a petition under Section 6(1) of the Right to Information Act, 2005, on 03-09-2022 addressing to the Public Information Officer/ Deputy Tahsildar, Thiruporur Taluk and sought information on 12 items as follows: "What is the step-by-step process of revenue patta transfer for land bearing grama natham patta which is/was in force at Thiruporur Taluk during the period of 01.01.2019 till date " and so on.

2. The Public Information Officer/ Headquarters Deputy Tahsildar (HqDT), Thiruporur Taluk, sent a reply to the petitioner vide letter No.த.அ.உ.ச.ப.வ.எண்.206/2021/அ4 நாள் 15/09/202 for item Nos.1,5,6,7,8,9 & 12 informing him to peruse the records without any fee on 27/09/2022 between 11.00 and 12.00 a.m., for item No. 2,3,4 denied the information quoting Civil Appeal No.6454/2011/CBSE Vs Aditya Bandobathyaya Judgment - stating that it requires collection of information from various approved files and it requires culling out of information and compilation of the same, hence it does not comes under the purview of the RTI Act. For item No.10 & 11, it was stated that the information asked by the petitioner is not maintained in the Office. After that, the petitioner has preferred a Complaint Petition under Section 18 (1) to this Commission on

30-09-2022, which was taken on file as CP 3318/SCIC/2022. After that, this case was enquired by the Commission on 05-09-2024 through Video Conference.

3. *On that day, during the Video conference enquiry the Petitioner was absent. But, he sent a letter with written arguments dt.05-09-2024. The Public Information Officer/HqDt, Thiru கோ.Εzhumalai, was present and stated that on 15/09/2022 item wise information sent. The petitioner, in his written arguments stated that information dt.15/09/2022 was received by him but misleading information given to him.*

4. *Commission perused item wise and accepted the reply given for Sl.No.s 1,5,6,7,8,9 & 12 as opportunity was given to the petitioner to visit the Taluk Office and peruse the records and whether the petitioner visited or not is not known by the Commission. But found that the information given for items 2,3,4, 10 & 11 not correct. Hence, the then PIO/HqDT Mrs.Nithya was directed to send her explanation as to why action u/s.20(1) & 20(2) of the Right to Information Act 2005 should not be taken against her for giving misleading information on 15/09/2022 for items 2,3,4,10 & 11. The PIO, who appeared on 05/09/2024 was directed to collect the explanation and submit the same before the Commission on 16/10/2024.*

5. Tamil Nadu Government declared 16/10/2024 as holiday due to heavy rain. Subsequently, The PIO/HqDT, Thiru கோ.Εzhumalai was present before the Commission on 18/12/2024 and submitted the explanation for Show Cause Notice obtained from the then PIO/HqDt. Mrs.Nithya, dated 26/09/2024. In the explanation, it was stated as follows:-

"The Petition was received by me on 03/09/2022. I sent the reply to the petitioner on 15/09/2022. I have given time for perusal of records on 27/09/2022 i.e. 12 days were available for the petitioner, from the date of reply. The petitioner has not informed his inability to inspect the documents. Instead of reschedule for perusal of records, the petitioner has made a complaint before the Commission in the reference third cited. Besides, the petitioner has also sent a Show cause notice directly to me for proceeding contempt of rule violation before the Hon'ble High Court, Madras in the reference 4th cited, and threatening me, which was not a correct action under the Right to Information Act. In response to the notice, I have furnished my reply in the reference fifth cited (copy enclosed for reference).

Further, I submit that in response to the information 10 and 11 of the petitioner, the office seal/rubber stamp used by the VAO is a conventional one and up to my knowledge there is no specific order in permitting the officials to use official seal in their capacity. As per the RTI Act the PIO did not give his presumption or own suggestion as Information to the Petitioner. I am therefore informed the petitioner that the information was not available in the office. Though there is a provision to file appeal against my reply before the Appellate authority, he has not done the same being a well-known person of the Act. The above said actions of the petitioner exhibits that he wants to misuse the Act and harass the Government Officer to do his regular duty, instead of getting information.

From the above it is construed that the petitioner has not specifically mentioned the required information viz. name of the document, survey No. Rule No. G.O.No. and date etc., The petitioner has also requested the Public Information Officer's view on the validity and applicability of G.Os and Instructions issued by the Government from time to time which is not comes under the definition of Information of Section 2 (f) of RTI Act, 2005 . As he also requested the information of total village means he had to access the third party's information which would create chaos in the village. Further Thiruporur Taluk comprises 84 Revenue villages. The information sought for by the Petitioner was very voluminous. In this regard, the Hon'ble Supreme Court of India in Civil Appeal No.6454 of 2011 (Central Board of Secondary Education & Anr Vs Aditya Bandopadhyay & Ors has observed as follows:

"The Right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and the accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other those enumerated in Section 4(1)(b) and (c) of the Act), equal importance and emphasize are given to other public interest (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.,) Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability of public authorities and the eradication of corruption) would be counter – productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with non-productive work of collecting and furnishing information. The act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of the time collecting and furnishing the information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritising 'information furnishing' at the cost of their normal and regulars duties".

In view of the above I submit that I have neither mislead the petitioner nor deny to supply of information requested by the petitioner. Though I gave an opportunity to peruse the records, the petitioner was not making any

positive move to obtain the information as he insists the Public Information Officer. I am to state that I sincerely abide the instructions in the RTI Act and I have not violated any rules as informed by the petitioner. In the circumstances stated above I am to request you to accept my above explanation and kindly drop further course of action in this regard".

6. The Commission perused the above explanation submitted by the then PIO/HqDT carefully and decided to accept it and it is accordingly accepted. Hence, there will be no further action against the then PIO/HqDT, Mrs.Nithya, Thiruporur Taluk. With this, the Complaint Petition is closed.

**Sd./-(Md. SHAKEEL AKHTER)
STATE CHIEF INFORMATION COMMISSIONER**

//By Order//

ASSISTANT REGISTRAR

CASE No.CP-3318/SCIC/2022

PUBLIC AUTHORITY

1.The Public Information Officer
Headquarters Deputy Tahsildar, (HqDT)
Thiruporur Taluk
Chengalpattu District.

2.Mrs. Nithya,
(formerly) PIO/Headquarters Deputy Tahsildar
Thiruporur Taluk, Chengalpattu District.

Petitioner

Thiru Surjit Augustine Rahul S/o.Mr.S.Sampathkumar
43, Subhasree Nagar Extension
3rd Cross Street. Mugalivakkam, Chennai – 600 125.

Copy to

The District Collector
Office of the District Collector
Chengalpattu District.

RG/PC