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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

WP No. 19171 of 2014

The Central Public Information
Officer, Madras High Court, Chennai

..Petitioner(s)

Vs

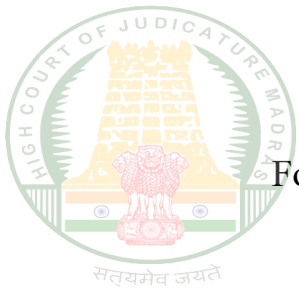
1. The Central Information Commission,
Rep.by its Registrar,
Room No.306, 2nd Floor, B Wing, August Kranthi
Bhavan, Bhikaji Cama Place, New Delhi 110066

2. A.Sethu
Old No.68, Bajanai Koil Street, Chollaimedu,
Chennai-94

..Respondent(s)

Prayer: Writ petition filed under article 226 of Constitution of India for issuance of writ of Certiorari calling for the Proceedings of the 1st respondent in its File No.CIC/SM/A/2012/000863 & 847 dated 11.1.2013 and quash the same

For Petitioner(s): Mr.V.Vijay Shankar



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WP No. 19171 of 2



For Respondent(s): Mr.Madhana Gopala Rao
Senior Central Government Standing
Counsel (for R1)
R2 – no appearance

ORDER

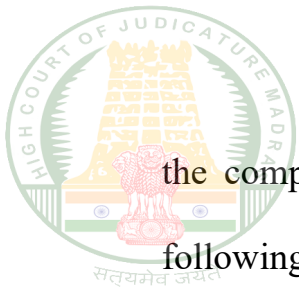
(Order of the Court was made by Dr.Anita Sumanth J.)

This Writ Petition has been filed by the Central Public Information Officer of this Court challenging an order passed by the Central Information Commission/R1 in relation to a complaint filed under the provisions of the Right to Information Act, 2005 (in short 'Act') by R2.

2. We have heard Mr.V.Vijay Shankar, learned counsel for the petitioner and Mr.R.Madanagopal Rao, learned Senior Central Government Standing Counsel for R1. There is no appearance for the second respondent.

3. The trajectory that the matter is taken is as follows. R2 had preferred a request before the Public Information Officer on 21.03.2007 seeking certain information from the petitioner herein. Though we do not have the benefit of the request that was preferred, in effect, the information sought was in regard to certain complaints made as against an officer in the Tamil Nadu State Judicial Service (hereinafter referred to as 'third party'). The request of R2 seems to have been disposed partly vide letter dated 23.11.2011.

4. On 19.09.2011, R2 preferred an appeal before the Public Information Officer reiterating his request, and seeking reasons for the delay in furnishing of



the complete information. On 23.11.2011, the petitioner writes to R2 in the following terms:

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R.O.C.No.2592/2011/RTI

DATE:23.11.2011

From

Thiru. V. Devanathan, B.A., M.L.,
Deputy Registrar (R.T.I. Act) / APIO,
High Court, Madras - 600 104.

To

Thiru.A. Sethu,
S/o Thiru. Annamalai,
9/206, Venkateshwara Lane,
Choolaimedu, Chennai - 600 094.

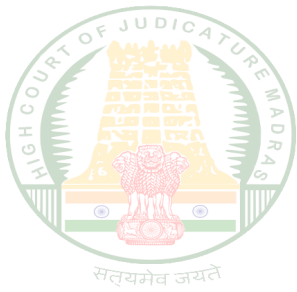
Sir,

*Sub: The Right to Information Act, 2005 - Furnishing of
information – Reg.*

*Ref: 1. Your petition dated 19.09.2011.
2. Your Appeal petition dated 15.11.2011.*

*With reference to one of your sales of petitions under the Right
to Information Act cited in the references, I am to inform you as
follows:*

- | | |
|-------------------------------------|---|
| <i>Query No.1</i> | <i>- The information sought by you in
your petition dated 21.03.2007
has already been furnished.</i> |
| <i>Query Nos.2 & 3</i> | <i>- Information has been called for
from records section and will be
furnished as soon as the same is
received from the records
section.</i> |
| <i>Query Nos.4(i) to
4(iii)</i> | <i>- No opinion can be offered on
hypothetical questions.</i> |



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- Query No.4(iv)* - *Copies of the documents sought have been called for from the Vigilance Cell.*
- Query Nos.5 & 6* - *Information has been called for from Vigilance Cell.*
- Query Nos.7(i) & 7(ii)* - *The question of Section 22 of the RTI Act overriding the Madras High Court Appellate Side Rules does not arise as long as there is a provision for dissemination of information by way of supply of judicial records.*
- Query No.7(iii)* - *No opinion can be offered on hypothetical questions.*

*Yours faithfully,
sd/-*

Deputy Registrar (R.T.I.Act)/A.P.I.O.

5. This was followed up by a further communication dated 05.01.2012, as follows:

R.O.C.No.2592/2011/RTI

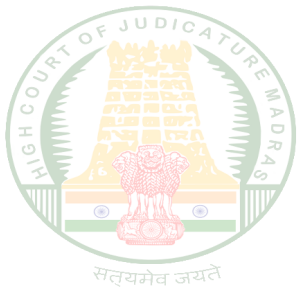
DATE:05.01.2012

From

*Thiru. V. Devanathan, B.A., M.L.,
Deputy Registrar (R.T.I. Act) / APIO,
High Court, Madras - 600 104.*

To

*Thiru.A. Sethu,
S/o Thiru. Annamalai,
9/206, Venkateshwara Lane,
Choolaimedu, Chennai - 600 094.*



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Sir,

Sub: The Right to Information Act, 2005 - Furnishing of information – Reg.

*Ref: 1. Your petition dated 19.09.2011.
2. Your Appeal petition dated 15.11.2011.
3. High Court's letter in ROC.No.2592/2011/RTI dated 23.11.2011.*

In continuation of the High Court's letter third cited, I am to furnish the following information:-

Query Nos.2 & 3 :- Information will be furnished shortly.

Query No.4(iv) :- You have already been permitted to peruse the file and to take copies of the relevant documents in ROC.No. 756/2005/VC dated 24.02.2011. Copies of the required documents were also furnished to you on 31.03.2011.)

Query Nos.5 & 6 :- Information has already been furnished to you vide Vigilance Cell's letters in ROC.No. 160/2009/VC dated 06.09.2010 and 14.09.2010, and further enquiry is pending.

Yours faithfully,

sd/-

Deputy Registrar (R.T.I.Act)/A.P.I.O.

6. Thereafter, and vide communication dated 24.04.2012, the petitioner informed R2, in continuation of the earlier communications, that the records in W.P.No.134 of 1996 and connected Miscellaneous Petition had been destroyed as per the directions of the Committee dealing with destruction of records in the

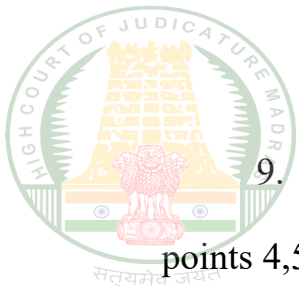


High Court and hence, those documents were unavailable. In relation to a query for furnishing of the Minutes of the Committee, the petitioner denied the entitlement of R2 to those records, as they relate to internal administration of the High Court.

7. R2 approached R1 by way of appeal, which came to be disposed on 11.01.2013, as against which, the present Writ Petition has been filed. R1 has considered the case of R2, directing in conclusion, that the petitioner will provide certain information to R2 within 15 working days of receiving the impugned order. Paragraph 3 of the impugned order reads as follows:

'3. It appears that some records the Appellant had sought in the past had not been provided to him on the ground that those had been destroyed. Similarly, in respect of some vigilance records which he was allowed to inspect, he was not given the copies of those records on the ground that it was exempt from disclosure under the provision of subsection 1(h) of section 8 of the Right to Information (RTI) Act. In this connection, the Appellant had filed two RTI applications.'

8. Learned counsel for the Petitioner states that the original request of R2 had been for furnishing of information in regard to eight (8) issues. According to him, some information (relating to queries 2 and 3 as per letter dated 05.01.2012) had been destroyed, and in respect of some others (relating to queries 4, 5 and 6 as per letter dated 05.01.2012), the files had been inspected by R2 but no details had been supplied to him.



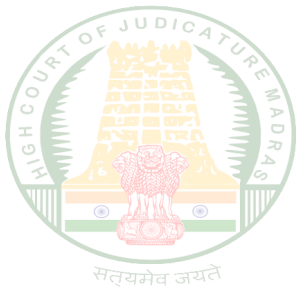
9. We restrict the ambit of this order to the information sought for in points 4,5,6 and 7 alone. As far as the information sought for under points 2 and 3 are concerned, we are given to understand by the learned counsel for the petitioner that those records have been destroyed and that has been communicated to R2 under letter dated 24.04.2012. The destruction was as per the procedure followed by the High Court during the summer vacation of 2007, per the decision of the Hon'ble Committee dealing with destruction of High Court records. With the destruction as permitted by the Committee, this matter attains finality.

10. The first and third directions of R1 under the impugned order, that the petitioner should provide proof of destruction, is unnecessary as R2 has been informed of the same, and in our view, this would suffice. We do not see the need for any proof over and above the communication from the Registry, as the procedure followed is proper and in accordance with the general practice of this Court.

11. With regard to the queries raised under information sought for under points 4,5,6 and 7, the directions are as follows:

6. In light of the above, we now direct the CPIO to provide the following information to the Appellant within 15 working days of receiving this Order:

i. The copy of the order of the competent authority authorising destruction of the judicial records relating to the particular case mentioned by the Appellant in his RTI



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application along with the relevant entries of the register or any other record showing the destruction of these particular records;

ii. the copies of the records from the relevant vigilance file, already inspected by the Appellant. If the CPIO decides not to disclose any of those records, he must pass a speaking order and should cite the appropriate exemption provisions of the Right to Information (RTI) Act.

iii. the copy of the record retention schedule followed by the High Court in respect of records sought by the Appellant.

12. The reason adduced for non-furnishing of the information relating to the third party was that there were complaints as against that officer from R2 as well others, and those complaints were under investigation. Since the enquiry was on-going, the petitioner had permitted R2 to inspect the information but had not furnished copies of the same.

13. We agree that the documents could not have been furnished pending enquiry. Frankly, we do not see the wisdom in the Petitioner having been even permitted R2 to even inspect the same as it may amount to a breach of confidentiality of the third party. Be that as it may, Mr. Vijay Shankar confirms that the enquiry has been completed in 2014 and hence there is nothing standing in the way of the Petitioner furnishing the information, if otherwise permitted in law.



14. The information sought pertains to a Judicial Officer and is hence protected under the provisions of Section 8(j) of the Act, that states that *‘information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual’* is exempt from disclosure *‘unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information’*.

15. Various categories of information are protected under Section 8 of the Act. The protection is not absolute as disclosure is permitted if the procedure, as set out under Section 11 is followed qua disclosure of third party information. Section 11 states that where there is a request for disclosure of information which relates to or has been supplied by a third party and which would fall within the ambit of confidentiality, then notice would be issued to that third party within 5 days of the request for that information and the objections of the third party solicited.

16. Upon receipt of those objections or if no objections are received, after waiting for a reasonable period, the Public Information Officer should dispose the complaint, having regard to the submissions/objections of the third party, if received. Hence, and ultimately, it is the discretion of the Public Information Officer as to whether the information may be disclosed if he were to be of the



view that it would be in larger public interest and would not violate confidentiality of the third party. In fact, the directions issued under the impugned order align with the procedure that have been set out under Section 11.

17. R1 has directed at point No.(ii) that a speaking order must be passed by the petitioner as to whether such information should be disclosed or whether it is to be treated as confidential/exempt from disclosure under the provisions of the Act. We reiterate this direction. The petitioner has obtained an interim stay of the impugned order on 15.10.2014 and the same is vacated forthwith.

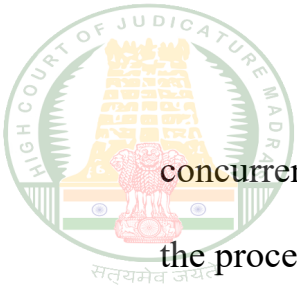
18. We have, in passing this order, taken note of the judgments of the Supreme Court in the case of *Subhash Chandra Agarwal V. Registrar, Supreme Court of India and ors.*¹ and *Canara Bank rep. By its Deputy General Manager V. C.S.Shyam and anr.*², and of a Division Bench of this Court in *Registrar General, High Court of Madras, Chennai V.K.Elango and another*³.

19. Since R2 has not chosen to participate in the present proceedings and has been continuously absent on the last three occasions, viz., 02.01.2026, 20.01.2026 and 21.01.2026, the petitioner will first ascertain from R2 as to whether he is interested in pursuing the matter. It is only after obtaining such

¹(2018) 11 SCC 634

²(2018) 11 SCC 426

³(2013) 5 MLJ 134



concurrency that the petitioner is required to pass a speaking order, as otherwise the procedure will be academic.

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20. This Writ Petition is disposed in the above terms. No costs.

(A.S.M.,J.) (M.S.K.,J.)

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21-01-2026

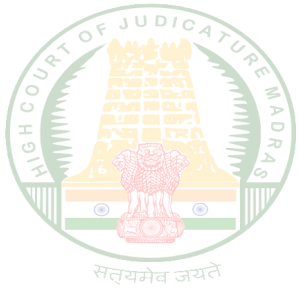
Index: Yes

Speaking order

Neutral Citation: Yes

To

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Rep.by its Registrar,
Room No.306, 2nd Floor, B Wing, August Kranthi Bhavan, Bhikaji Cama
Place, New Delhi 110066
3. A.Sethu
Old No.68, Bajanai Koil Street, Chollaimedu, Chennai-94



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DR.ANITA SUMANTH J.

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