



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 46047 of 2025
and WMP.No.51359 of 2025**

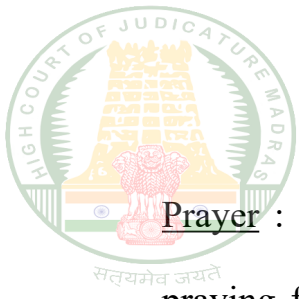
Tamil Nadu Waqf Board,
Rep. by its Chief Executive Officer,
No.1 , Jaffar Syrang Street,
Vallal Seethakathi Nagar, Chennai 01.

..Petitioner

Vs

1. The State Information Commissioner,
Tamil Nadu Information Commission,
Block No. 19, Government Farm Village,
Pernpet , Nandanam, Chennai 35.
2. P.Kalyanasundaram,
No. 12, CM Village,
Govindan Street, Chennai 12.
3. The Public Information Officer/ Under
Secretary,
Revenue Administration & Disaster
Management Department, Secretariat, Chennai.
4. The Public Information Officer/Under Secretary
Backward Class, Most Backward Class and
Minorities Welfare Department,
Secretariat, Chennai.
5. The Public Information Officer/Superintendent ,
Tamil Nadu Waqf Board,
No. 1 Jaffer Syrang Street,
Vallal Seethakathi Nagar, Chennai-600 001.

..Respondents



Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the 1st respondent pertaining to the order dated 24.06.2025 in Case No. SA/12079/E/2020 and quash the same.

For Petitioner: Mr. T.Sai Krishnan

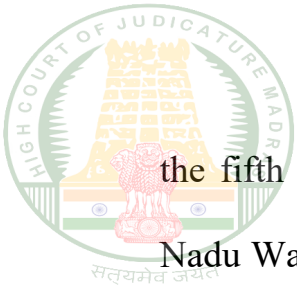
For Respondents : Mr. Vigneshwaran for R1

Mr.L.S.M.Hasan Faizal, AGP for R3 & R4

ORDER

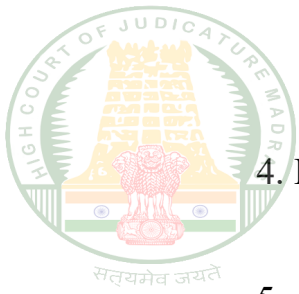
The petitioner filed this writ petition to quash the order of the first respondent dated 24.06.2025 in Case No. SA-12079/E/2020.

2. The second respondent had filed an application to the third respondent on 10.02.2020, seeking certain information regarding encroachments over waqf properties. This letter was forwarded by the third respondent/Public Information Officer, Revenue Administration & Disaster Management Department, Secretariat, Chennai, to the fourth respondent/Public Information Officer, Backward Class, Most Backward Class and Minorities Welfare Department, Secretariat, Chennai. In turn, the fourth respondent forwarded the application to



the fifth respondent, former Public Information Officer/Superintendent, Tamil Nadu Waqf Board. The information sought for was not for any particular Waqf, with respect to the encroachments that had been made over the Waqf properties across the State of Tamil Nadu. The Public Information Officer/Superintendent of Tamil Nadu Waqf Board took a stand that the general survey number of the waqf properties have not been provided and therefore, he sought for the said information from the second respondent. An appeal was filed by the second respondent to the appellate authority, but as he did not get the requisite information from that authority also, he approached the State Information Commission/first respondent.

3. The first respondent passed a direction on 21-04-2022, calling upon the Public Information Officer of the Tamil Nadu Waqf Board to disclose the information. Even then, the information was not forthcoming. This constrained the petitioner to file an application seeking compliance before the State Information Commission. The State Information Commissioner, by an order dated 24.06.2025, recorded compliance of the information given by the Tamil Nadu Waqf Board on 19.06.2025 i.e., after a period of five years from the time when the second respondent sought for the information. The first respondent also thought it fit to impose a cost of Rs.5,000/-on the Tamil Nadu Waqf Board. Challenging the same, the present writ petition.



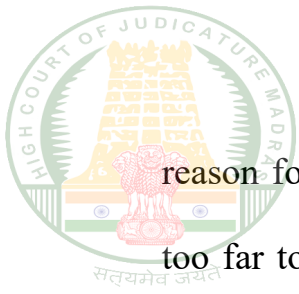
4. I heard Mr. T.Sai Krishnan for the petitioner.

5. Mr. T.Sai Krishnan urged that the imposition of costs on the Tamil Nadu Waqf Board is improper, as the Waqf Board was not a party to the proceedings before the State Information Commission. It is a plea of violation of natural justice and therefore, he seeks an order from this Court to interfere with the order imposing the fine.

6. I have considered the submissions Mr.T.Sai Krishnan and I have gone through the records.

7. A reading of paragraphs (g) and (h) of the impugned order shows that the penalty has been imposed on the Waqf Board on account of the delay in furnishing the information. As pointed out earlier in the order, the information was sought in the year 2020, and it was furnished only a week before the impugned order was passed i.e., on 19.06.2025. A reading of Section 19(8)(vi) (c) shows that the Right to Information Act has enabled the first respondent to impose penalty, and also, in appropriate cases, award compensation for any loss or detriment that the complainant might have suffered.

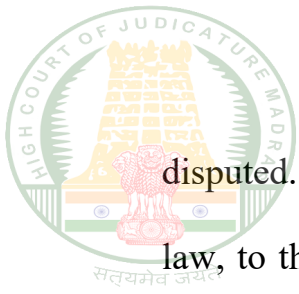
8. The purpose of the Right to Information Act is to ensure that the citizen is entitled to receive the information that he seeks for. In fact, the Public Information Officer/the original authority is not even entitled to question the



reason for which the information is sought by the applicant. The reason is not too far to seek, as the right to information has been elevated to such levels of good administration, which a citizen can expect from the authorities exercising their statutory duties, and failure to furnish the same, tantamounts to breach of their duties. The first respondent has merely imposed a cost of Rs.5,000/- on the petitioner.

9. Furthermore, this is a discretionary order exercised by the first respondent. Unless and until, the cost is of such an onerous nature, this Court should not interfere with such an order. When the Parliament has thought it fit to grant discretion to the State Information Commission, and when the Information Commission has exercised their discretion, unless and until the same is capricious or arbitrary, this Court should not exercise the power under Article 226 of the Constitution of India. It is not out of place to recollect that this Court, while dealing with a Writ of Certiorari, is concerned only with the decision making process and not with the decision itself. I am alive to the fact that the principles of arbitrariness or the concept of Wednesbury's unreasonableness exist in this rule.

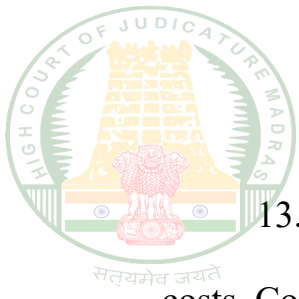
10. Even if I were to apply those two tests, I do not find the exercise of discretion of the first respondent to be one, which requires interference by this Court. The fact that the information was given in a belated manner cannot be



disputed. The third respondent had passed on the application, as required by the law, to the fourth respondent. The fourth respondent too, had directed the fifth respondent with whom the information is available, to furnish the same. They had discharged their respective statutory duties. It was now on the fifth respondent to do the same, but he failed to do so. The first respondent had passed an order on 21-04-2022, and it was only on 19-06-2025, the information was furnished. Considering the delay, when the statute fixes a period of 30 days and the authority takes a period of 3 years, certainly, the first respondent is entitled to impose costs on the concerned authority.

11. Insofar as the submission of Mr. T. Sai Krishnan, that the imposition on the Waqf Board directly is inappropriate, is concerned, the fifth respondent is a subordinate to the writ petitioner. It is not a slur on the writ petitioner, but a direction has been given by the first respondent, in order to, ensure that the cost is paid by the superior and recovered from the fifth respondent.

12. In the light of the above discussions, I do not find any reason to interfere with the order passed by the first respondent. If the writ petitioner so desires, it is always open to them to pay the amount first and recover the same from the concerned Public Information Officer/Superintendent of Tamil Nadu Waqfs, the fifth respondent herein, who had failed to give the information.



13. With the above observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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26-11-2025

Index: Yes/No

Internet: Yes/No

Neutral Citation : Yes/No

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To

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Tamil Nadu Information Commission,
Block No. 19, Government Farm Village,
Pernpet , Nandanam, Chennai 35.
2. The Public Information Officer/ Under Secretary,
Revenue Administration & Disaster Management Department,
Secretariat, Chennai.
3. The Public Information Officer/Under Secretary Backward Class,
Most Backward Class and Minorities Welfare Department,
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4. The Public Information Officer/Superintendent ,
Tamil Nadu Waqf Board,
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WP No. 46047 of 2



V.LAKSHMINARAYANAN, J.

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