

W.P. (MD) Nos.24764 & 25058 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2026

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) Nos.24764 & 25058 of 2025

and

W.M.P(MD)Nos.19465, 19467, 19649 & 19651 of 2025

WP(MD).No.24764 of 2025

M/s. Robin Power Solution Private Limited,
Represented by its Manager,
K. Balamurugan

... Petitioner

Vs

1.The Registrar,
Tamil Nadu State Information Commission,
No.19, Government Farm Village,
Nandanam, Chennai – 35.

2.The District Revenue Officer/District Appellate Authority,
District Revenue Office,
Dindigul District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul District.

4.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

5.Saravanan

... Respondents



W.P. (MD) Nos.24764 & 25058 of 2025

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned proceedings in Valakku No. SA2624/Visaranai/E/2022 dated 11.08.2025 on the file of the first respondent and consequential order in Na.Ka. No.42/2025-1/G4 dated 18.08.2025 on the file of second respondent and the consequential order in Na.Ka. No.42/2025-1/G4 dated 28.08.2025 on the file of second respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai
for M/s.K.Jeyamohan

For R1 : Mr.Ananth C.Rajesh

For R2 to R4 : Mr.S.Siva Thilakar
Counsel for the State of Tamil Nadu

For R5 : Mr.K.Anandan

W.P(MD)No.25058 of 2025

S.Abirami

... Petitioner

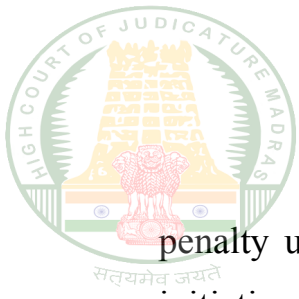
Vs

1.The Tamil Nadu State Information Commission,
Represented by the Registrar,
Nanthanam,
Chennai-600 035.

2.P.Saravanan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the pertaining to the impugned order in case No.SA2624/Enquiry/E/2022 dated 11.08.2025 on the file of the first respondent and quash the same as illegal in so far as imposing



W.P. (MD) Nos.24764 & 25058 of 2025

penalty upon the petitioner to a tune of Rs.25,000/- and recommendation for initiation of departmental action against the petitioner.

For Petitioner : Mr.M.Mahaboob Fazil
for M/s.Roy and Roy Associates

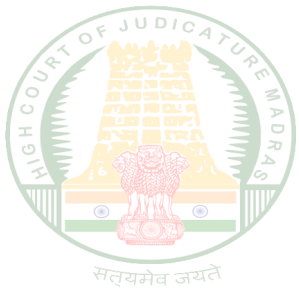
For R1 : Mr.Ananth C.Rajesh

For R2 : Mr.K.Anandan

COMMON ORDER

The present writ petition has been filed seeking the issuance of a writ of Certiorari to quash the impugned order dated 11.08.2025, the consequential order dated 18.08.2025, and the further consequential order dated 28.08.2025 as illegal.

2. The petitioner is a limited company represented by its Manager. The petitioner is engaged in the establishment of solar power plants in various parts of Tamil Nadu. It has executed several solar power projects on behalf of various individuals and companies, including Aathi Solar Energy Private Limited, Akshara Spinning Mills Private Limited, and several other spinning mills. The entire project was established for the benefit of the aforesaid companies and mills. The petitioner has retained a portion of the land in certain survey numbers for the purpose of operating and maintaining the said solar power plants.



W.P. (MD) Nos.24764 & 25058 of 2025

WEB COPY

3. The contention of the petitioner in W.P.(MD) No. 24764 of 2025 is that, while erecting the solar power plants, certain villagers attempted to interfere with the peaceful execution of the project. One of the reasons put forth was the allegation that the petitioner had encroached upon Government lands. Pursuant to several complaints made before the authorities, a Peace Committee meeting was convened by the 4th respondent. Thereafter, based on the resolution passed by the Peace Committee and/or the directions issued by the authorities, the petitioner proceeded with the establishment of several solar power plants. The said Peace Committee consisted of 11 members. The Committee inspected all the project sites and concluded that there was no encroachment upon Government land or water bodies. In fact, several writ petitions filed in relation to the said issue were also decided in favour of the petitioner. While matters stood thus, the 5th respondent, who belongs to Mallanampatti Village, Nilakkottai Taluk, Dindigul District, submitted an application under the Right to Information Act before the Public Information Officer, Dindigul District, seeking information as to whether the petitioner had erected solar power plants on Government lands. In respect of Mallanampatti Village, the Tahsildar furnished information stating that there was no encroachment upon Government land. However, in another communication, it



W.P. (MD) Nos.24764 & 25058 of 2025

was stated that if a digital crop survey were to be conducted using digital equipment, certain encroachments might be detected. Not being satisfied with the information furnished, the 5th respondent preferred an appeal before the First Appellate Authority, which came to be rejected. Aggrieved thereby, the 5th respondent preferred a second appeal before the 1st respondent. Upon considering the rival contentions, the 1st respondent directed the Tahsildar to furnish a correct survey report to the 5th respondent and also imposed a penalty on the said Tahsildar.

4. W.P.(MD) No. 25058 of 2025 has been filed by the concerned Tahsildar, who is aggrieved by the order imposing penalty. The impugned order also contains a recommendation to initiate departmental disciplinary proceedings against the said Tahsildar.

5. The learned counsel appearing for the 5th respondent in W.P.(MD) No. 24764 of 2025 filed a counter affidavit contending that the petitioner has no *locus standi* to challenge the order passed by the 1st respondent, as the petitioner was not a party to the proceedings under the Right to Information Act. It is further contended that the impugned proceedings passed by the authorities under the Right to Information Act are not binding on the petitioner. According to the 5th respondent, the Public Information Officer failed to furnish the



W.P. (MD) Nos.24764 & 25058 of 2025

requested information even after the expiry of the period prescribed under

WEB COPY

Section 7(1) of the Right to Information Act, 2005. Therefore, the 5th respondent preferred a first appeal before the 4th respondent on 06.01.2023, seeking a direction to furnish the information within the time stipulated under Section 7(1) of the Act. Thereafter, on 06.02.2023, the 5th respondent received a communication from the Public Information Officer. According to the 5th respondent, the information furnished was false, incomplete, irrelevant, and incorrect. It is further alleged that the communication was prepared as though it had been issued on 14.11.2022, whereas it was purportedly based on reports of the Village Administrative Officers of Nadakottai and Mallanampatti dated 23.12.2022 and 11.01.2023, respectively. Aggrieved thereby, the 5th respondent filed W.P.(MD) No. 19216 of 2023, and the said writ petition was disposed of with a direction to consider the appeal within a period of eight weeks from the date of receipt of a copy of the order. The 5th respondent had also preferred a second appeal before the 1st respondent, which was not taken up for consideration. Pursuant to the directions of this Court, the 1st respondent directed the 3rd respondent to enquire into the issues raised by the 5th respondent and verify the correctness of the information furnished by the Public Information Officer, Nilakkottai. In compliance with the said direction, the 3rd respondent conducted an enquiry and submitted a report dated 29.02.2024,



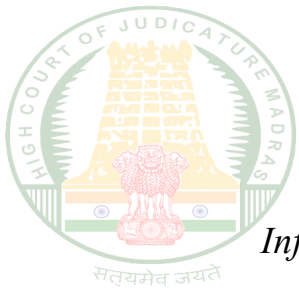
W.P. (MD) Nos.24764 & 25058 of 2025

wherein, according to the 5th respondent, the false information furnished by the Public Information Officer was brought to light. Aggrieved by the said proceedings, the 5th respondent filed W.P.(MD) No. 28628 of 2024 challenging the same. This Court set aside the impugned order and directed the authorities to conduct a fresh enquiry and pass appropriate orders. Thereafter, the 1st respondent, after affording sufficient opportunity to all the parties concerned, passed the detailed impugned order dated 11.08.2025.

6. The learned counsel further submitted that, in exercise of the powers conferred under Section 18(2) of the Right to Information Act, the 1st respondent was competent to direct the concerned authority to conduct a survey of the lands in question. Therefore, it is contended that the petitioner has not made out any valid legal ground warranting interference with the impugned order. Accordingly, the 5th respondent prayed for dismissal of the writ petitions.

7. After hearing the rival submissions, this Court has given its anxious consideration to the matter. At first blush, the contention of the 5th respondent appears to be that, under Section 18(2) of the Right to Information Act, the 1st respondent has the authority to issue appropriate directions. The said provision is extracted hereunder:

"Where the Central Information Commission or State



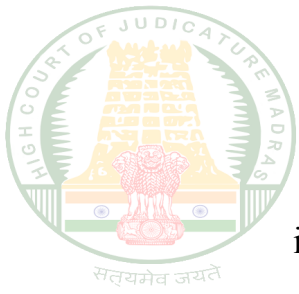
W.P. (MD) Nos.24764 & 25058 of 2025

WEB COPY

Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter; it may initiate an inquiry in respect thereof."

8. On the other hand, the learned counsel appearing for the petitioner submitted that Section 18(2) merely confers a general power upon the authority. By invoking the said provision, the 1st respondent cannot issue a direction to conduct a survey, as such a direction does not fall within the scope of the powers conferred upon the 1st respondent under the Right to Information Act. In support of the said contention, the learned counsel placed reliance on the judgment of this Court in W.P.(MD) No. 21962 of 2021, dated 23.08.2024, wherein the relevant paragraph is extracted hereunder:

"No doubt, the direction of the first respondent to give particulars with regard to the action taken on a petition lodged by the fifth respondent complainant with regard to the destruction of his boundary marks and stones cannot be found fault with. But, at the same time, the direction to inform as to when the survey would be completed, as rightly contended by the learned counsel for the petitioner, cannot be taken as a direction for furnishing the information, but indirectly, the commission has directed the third respondent to conduct survey. If the direction was to furnish the information with regard to the action taken or orders passed in the application filed by the fifth respondent, seeking survey of the property in dispute that would be a different matter, but in the impugned order, the first respondent has directed the third respondent to inform as to when the survey would be completed as survey charges have already been remitted. Since the first respondent is not having any power or jurisdiction to give such direction to survey the land, the



W.P. (MD) Nos.24764 & 25058 of 2025

impugned direction cannot be legally be sustained."

WEB COPY

9. This Court is of the considered opinion that the issue involved in the present case has already been decided by this Court in the aforesaid writ petition. Therefore, following the said decision, the present dispute also stands answered in the line of the above judgment.

10. This Court is of the considered view that the 1st respondent has no authority to issue a direction to conduct a survey of the property, as such the said direction is beyond the powers conferred under Section 18(2) of the Right to Information Act. Therefore, the impugned order is liable to be quashed on this ground alone.

11. The next contention raised by the petitioner is that the impugned order was passed without issuing notice to the petitioner and behind its back. Even according to the 5th respondent, the petitioner was not impleaded as a party to any of the proceedings. In fact, the 5th respondent himself contended that the petitioner has no *locus standi* since he was not a party to the proceedings. Be that as it may, the impugned order contains a finding that the petitioner had encroached upon Government land. Before recording such a finding, which adversely affects the rights and interests of the petitioner, the



W.P. (MD) Nos.24764 & 25058 of 2025

authorities were bound to afford the petitioner an opportunity of being heard.

The failure to do so constitutes a clear violation of the principles of natural justice.

12. Accordingly, the impugned order is also liable to be set aside on the ground of violation of the principles of natural justice. On both the aforesaid grounds, this Court is inclined to interfere with the impugned order. Consequently, the impugned order is set aside.

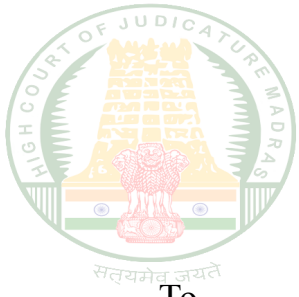
13. In view of the above, the writ petition filed by the Tahsildar, who is aggrieved by the order imposing penalty and recommending departmental disciplinary proceedings against him, also deserves to be allowed, and the impugned order, insofar as it relates to the imposition of penalty and the recommendation for departmental action, is set aside.

14. Accordingly, the Writ Petitions are allowed. Consequently, connected miscellaneous petitions are closed. No costs.

10.06.2026

Index : Yes / No
Internet : Yes
NCC : Yes / No
msrm

10/12

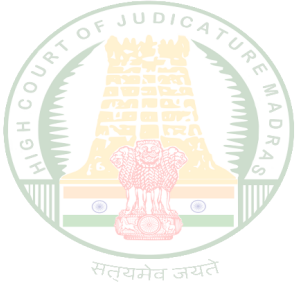


W.P. (MD) Nos.24764 & 25058 of 2025

To

WEB COPY

- 1.The Registrar,
Tamil Nadu State Information Commission,
No.19, Government Farm Village,
Nandanam, Chennai – 35.
- 2.The District Revenue Officer/District Appellate Authority,
District Revenue Office,
Dindigul District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul District.
- 4.The Tahsildar,
Nilakottai Taluk,
Dindigul District.



WEB COPY



W.P. (MD) Nos.24764 & 25058 of 2025

S.SRIMATHY, J.

msrm

W.P. (MD) Nos.24764 & 25058 of 2025

and

W.M.P(MD)Nos.19465, 19467, 19649 & 19651 of 2025

10.06.2026