



RIGHT TO INFORMATION ACT-2005

TAMIL NADU INFORMATION COMMISSION

Kamadhenu Super Market I floor, Old No.273, New No.378, Anna Salai, Teynampet,
Chennai.600018 Telephone. 24357580

Case No. 10557/Enquiry/2009

Date of hearing at CHENNAI on 24.9.09

Present:

**State Chief Information Commissioner
Thiru S. Ramakrishnan, IAS (Retd)**

**State Information Commissioner
Thiru G. Ramakrishnan, IAS (Retd)**

Petitioner:

Thiru A. Sethu
237 / 202 A, Periyar Pathai
Choolaimedu, Chennai.600094.

Public Authority

The Public Information Officer,
o/o. The Chennai Metropolitan Development

Authority,.

Thalamuthu Natarajan Maligai, Egmore, Chennai.8.

Both the petitioner and the Public Authority were present.

The petitioner filed an RTI petition on 12.1.08 asking for copies of 6 files on reclassification of land and requested that he wants to inspect the files and take copies. He was given a reply on 14.2.08 offering that two files are available and he can inspect them. But nothing about the other four files. He complained that the other 4 files are important and it has been motivatedly refused. He appealed on 27.2.08 and he was again informed that the 2 files are available for inspection and copies of which have been sent but not anything about the 4 missing files. On 5.3.08 he was told that the other 4 files are not available in their office. On 3.4.08 he came on appeal to the Commission alleging that these 4 files are deliberately refused. The petitioner produced

a copy of the letter dated dt. 5.4.07 which bears Sholinganallur postal delivery seal dated 7.4.07 which was delivered at Choolaimedu on 10.4.07 to the petitioner's address.

The Public Authority had no explanation to offer as to how the 4 files which are supposed to be permanent files of his office are missing and they also replied that no action has been taken on the alleged custodian of the records for the missing files. The Public Authority answered that one file has now been traced, but they have not reported either to the Commission or to the petitioner.

The Commission therefore rules that the Member Secretary, CMDA and the Secretary to Government, Housing and Urban Development Department should appoint a Senior Officer and investigate the case of missing files, charge sheet the persons responsible and report action taken to the Commission within 6 weeks of this order. This is not of a new one, but on an earlier occasion also of the same process of missing files were noticed in Case No. 20656/07 dated 11.12.07.

The files be traced out and information asked for supplied to the petitioner within 3 weeks, his acknowledgement obtained and filed before the Commission.

The explanation of the PIO concerned be filed as to why the penal clause of the RTI Act be not invoked, within 4 weeks of this order.

The personal explanation of the Member Secretary may be filed as to how the RTI administration in his office has not improved as it is reported that the RTI Register is not being reviewed at his office until the summon is received from the Commission.

Commission **State** **Information**

Orders passed this day 16th October, 2009.
Under the Orders of the Commission.

Assistant Registrar

The Public Information Officer,
The Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai,
Egmore, Chennai.8.

Thiru A. Sethu,
237 / 202 A, Periyar Pathai,
Choolaimedu, Chennai.600094.