



WP(C) NO. 17746 OF 2026

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2026:KER:60573

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

MONDAY, THE 3RD DAY OF AUGUST 2026 / 12TH SRAVANA, 1948

WP(C) NO. 17746 OF 2026

PETITIONER:

JOSEPH PALACKATHARAYIL VARUGHESE,
AGED 60 YEARS
PALACKATHARAYIL HOUSE, SEETHATHODU.PO,
PATHANAMTHITTA, KERALA, PIN - 689667

BY ADVS.
SHRI.LUKE J CHIRAYIL
SHRI.JACOB VICTOR
SMT.NEHA RAMAKRISHNAN
SMT.CHITHRA C.EDADAN
SHRI.ZAINUDHEEN P.
SHRI.A.R.THEJAS KRISHNA
SHRI.ASWANTH S. P.

RESPONDENTS:

- 1 THE PUBLIC INFORMATION OFFICER,
PATHIYOOR GRAMAPANCHAYATH, PATHOYOOR, ALAPUZHA,
KERALA, PIN - 690508
- 2 ELMECS MULTISPECIALITY HOSPITAL,
ELMECS MULTISPECIALITY HOSPITAL & RESEARCH CENTRE
KAREELAKULANGARA, KAYAMKULAM ALAPPUZHA,
KERALA, PIN - 690572



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- 3 THE SECRETARY,
PATHIYOOR GRAMAPANCHAYATH, PATHOYOOR, ALAPUZHA,
KERALA, PIN - 690508
- 4 THE KERALA STATE INFORMATION COMMISSION
OFFICE OF THE STATE INFORMATION COMMISSION, PUNNAN
ROAD, THIRUVANANTHAPURAM, KERALA, PIN-695 001
REPRESENTED BY ITS SECRETARY .

ADDITIONAL R4 IS IMPEADED AS PER THE ORDER DATED
8/6/2026 IN I.A.NO.1/2026 IN WP(C)17746/2026

BY ADVS.

SRI.ENOCH DAVID SIMON JOEL

SRI.S.SREEDEV

SRI.RONY JOSE

SHRI.LEO LUKOSE

SRI.KAROL MATHEWS SEBASTIAN ALENCHERRY

SHRI.DERICK MATHAI SAJI

SHRI.KARAN SCARIA ABRAHAM

SHRI.RINOY INNOCENT

SHRI.AADITHYA S.R.

SHRI.RAJESH KUMAR R.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03.08.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The petitioner submitted Ext.P1 application under the Right to Information Act, 2005, before the 3rd respondent, the Secretary of Pathiyoor Grama Panchayat, seeking copies of the building permit, the approved building plan, and all licences, permits and clearances issued by the 3rd respondent to the 2nd respondent hospital. By Ext.P4 communication, the 1st respondent, the State Public Information Officer (SPIO) informed the petitioner that the 2nd respondent had objected to the disclosure of the approved building plan of the hospital on the ground that it might be used against the hospital. However, the petitioner was informed that the other information sought could be furnished on payment of the prescribed fee. Aggrieved by Ext.P4, insofar as it rejects the petitioner's request for a copy of the approved building plan, the petitioner has filed this writ petition.

2. The petitioner contends that the refusal of the Panchayat



to furnish the requested document is in violation of the petitioner's statutory right to information under the Right to Information Act, 2005.

3. A counter affidavit has been filed by the 2nd respondent, contending that the writ petition is not maintainable in view of the efficacious alternative remedy available to the petitioner under Section 19 of the Right to Information Act, 2005. It is further contended that, in view of Sections 8(1)(d) and 8(1)(j) of the Act, the information sought constitutes third-party information and, therefore, the petitioner is not entitled to obtain the copy of the approved building plan. It is also stated that the petitioner has personal animosity towards the Managing Director of the hospital and that the information has been sought solely to settle personal scores rather than to advance any genuine public interest.

4. Heard Sri.Luke J.Chirayil, the learned counsel for the petitioner, Sri.S.Sreedev, the learned counsel for the 2nd respondent, Sri.Renjith George, the learned Standing Counsel for the 3rd respondent and Sri.M.Ajay, the learned Standing Counsel for the



4th respondent.

5. Sri.Luke, relied on the decision of the Hon'ble Supreme Court in **Ferani Hotels Private Limited v. State Information Commissioner, Greater Mumbai & Ors.** [2019 14 SCC 504 : 2018 KHC 6754 : 2018 (4) KLT 609], wherein it was held that layouts, sub-division plans, development plans submitted by developers, which are in the possession of the Municipal Corporation are required to be put in public domain and involve a public element, and the building plan sought for by the petitioner cannot be rejected.

6. The information sought by the petitioner pertains to an approved building plan issued by the Panchayath to the 2nd respondent under the Kerala Panchayath Building Rules, 2011. The request of the petitioner for copy of the approved building plan is rejected on the ground that the 2nd respondent has objected to the issuance of the same, stating that the disclosure of the information may be used against the 2nd respondent.

7. Rule 2 (1) (i) of the Kerala Panchayat Building Rules, 2011 defines 'approved plan' to mean the set of drawings and



statements submitted under the said rules for obtaining development permit or building permit and duly approved by the Secretary. It is to be noted that the building plan approved by the Secretary of the Panchayat is a document that is available in the public domain. Chapter XXV A of the Kerala Panchayat Raj Act, 1994 deals with 'Right to information' and Sections 271 A and 271 B read thus:

"271 A. Definitions. - For the purpose of this chapter,

(a) 'Information' means any materials or information contained in a document relating to the administrative, developmental or regulatory functions of a Panchayat and includes any document or record relating to the affairs of the Panchayat.

(b) 'right to Information' means the right to have access to information and includes the right to take certified copies or relevant extracts of a document.

(c) 'Notified document' means any document of the Panchayat notified by the Government under sub-section (2) of section 271B.

271 B. Right to information. - (1) Every person bonafide requiring any information shall have the right to get such information in accordance with the procedure prescribed.

(2) Notwithstanding anything contained in sub-section (1), the Government may, in the interest of public and local administration by notification in the Gazette, classify any document containing special categories of information as notified document and no person shall have any right to such information and the Panchayat may reject any application to get such information.



(3) The Government may, by general or special order, direct the Panchayat to publish, the categories of information mentioned in such order for the general information of the people living in the area of a Panchayat.”

Once a building plan is approved by the Secretary of the Panchayat, it forms part of the records relating to the affairs of the Panchayat, and a person seeking a copy of such a document shall have the right to obtain the same, unless it is exempted from disclosure under sub-section (2) of Section 271B.

8. Section 11 of the Right to Information Act, 2005 deals with third party information and Section 8 deals with exemption from disclosure of information. Section 11 reads as follows:

“Section 11. Third party information:

(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall



be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.

Section 8(1)(d) and (j) reads as follows:

"8. Exemption from disclosure of information.

1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,

xxxxxxx

xxxxxxx

(d) information including commercial confidence,



trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

XXXXX

XXXXX

(j) information which relates to personal information."

9. Section 6 of the Right to Information Act deals with the request for obtaining information and Section 6(2) provides that an applicant making a request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him. The disclosure of plans that are required to be in the public domain cannot reasonably be regarded as involving commercial confidence or trade secrets, the disclosure of which would harm the competitive position of a third party. The disclosure of a building plan that is available in the public domain does not constitute the disclosure of personal information. The copy of the building plan issued by the Panchayat to the 2nd respondent is not an exempted information within the meaning of clauses (d) or (j) of sub-section (1) of Section



8 of the Right to Information Act.

10. With regard to the contention of the 2nd respondent as to the alternate remedy available to the petitioner, it is true that the petitioner has a hierarchy of remedies under Section 19 of the Right to Information Act. The 1st respondent has withheld the information sought by the petitioner on a wholly misconceived ground, stating that the 2nd respondent objected to the disclosure of the building plan on the premise that the document might be used against the hospital. There are no disputed questions of fact involved in the writ petition, and the 2nd respondent has entered appearance and joined issue. The only issue that arises for consideration in this writ petition is whether an approved building plan would fall within the ambit of "personal information" under Section 8(1)(j) of the Right to Information Act, 2005 and whether it constitutes exempted information under the said Act. The rule of alternate remedy is a rule of policy, convenience, and discretion rather than a rule of law.

11. The availability of an alternate remedy does not prohibit this Court from entertaining a writ petition in an appropriate case.



When the 1st respondent has denied access to information that is not exempted from disclosure under the Act and has acted illegally, this Court cannot refuse to exercise its discretionary jurisdiction under Article 226 of the Constitution and relegate the petitioner to avail of the alternate remedies provided under Section 19 of the Right to Information Act.

Accordingly, the Writ Petition is allowed and there will be a direction to the 1st respondent to make available to the petitioner a copy of the approved building plan of the 2nd respondent as sought for in Ext.P1 application within a period of one month from the date of receipt of a copy of this judgment.

**Sd/-
MURALI PURUSHOTHAMAN
JUDGE**



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APPENDIX OF WP(C) NO. 17746 OF 2026

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE REQUEST LETTER DATED 02.05.2026 SUBMITTED BEFORE THE 1ST RESPONDENT
Exhibit P2	A TRUE COPY OF THE ACKNOWLEDGMENT ISSUED BY THE 1ST RESPONDENT
Exhibit P3	TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF THE REQUISITE FEE FOR THE DOCUMENTS
Exhibit P4	A TRUE COPY OF THE REPLY NOTICE DATED 16.05.2026
Exhibit P5	TRUE COPY OF THE FIR DATED 13.04.2026 NUMBERED AS 236/2026 ON THE FILES OF KAREELAKULANGARA POLICE STATION AT ALAPPUZHA DISTRICT
Exhibit P6	TRUE COPY OF THE ORDER DATED 29.04.2026 IN B.A. NO. 477/2026 ON THE FILES OF THE SESSIONS JUDGE, ALAPPUZHA

RESPONDENTS EXHIBITS: NIL