

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-03-2015

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

WP No. 7592 of 2015

Bhuvaneswari Calambakkam

.. Petitioner

Versus

1. The Tamil Nadu State Government
Home (Pol.VII) Department
Secretariat, Chennai - 9
2. Annanagar Deputy Commissioner
Local Police Office
K-4 Station, Anna Nagar
Chennai - 600 040
3. The Commissioner of Police
City Police Office
Vepery, Chennai - 600 007
4. ADGP, Chief Police Office
Additional Director General of Police
Dr. Radhakrishnan Salai
Chennai - 600 004
5. Tamil Nadu Information Commission
No.2, Thiyagaraya Road
Teynampet, Chennai - 600 018

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents to furnish detailed information as requested in petitioner's letters dated 28.09.2014, 07.10.2014, 26.11.2014 and 14.02.2015 under the Right to Information Act, 2005 and submit B. Nagendran's 2003 police records in this Court with a copy to the petitioner with details of why and by whom he was sent for mediation along with details of constable Edwin's suspension regarding whose family he disturbed in 2006 when in K4.

For Petitioner :

Ms. Bhuvaneswari
Petitioner-in-Person

For Respondent :

Mr. M.L. Mahendran
Government Advocate for RR1 to 4
Mr. Niranjan Raja
for M/s. G.R. Associates for R5

ORDER

The petitioner, who is appearing in person, seeks for a direction to the respondents to furnish details as requested by her in the letters dated 28.09.2014, 07.10.2014, 26.11.2014 and 14.02.2015 invoking the Right to Information Act and to submit the records concerning Mr. B. Nagendran, police constable along with the records relating to the order of suspension passed against Mr. Edwin, Police Constable, who were working under the respondents during the relevant time.

2. It is seen from the records that the petitioner approached the Information Commissioner in the Police Department seeking certain records relating to Mr. B. Nagendran, Police Constable and the order of suspension passed against Mr. Edwin, another police constable, but there was no response. Therefore, the petitioner submitted an application dated 28.09.2014 before the Deputy Commissioner of Police, Anna Nagar Range as well as the Tamil Nadu Information Commission seeking their intervention. In response to the petitioner's query, the Tamil Nadu Information Commission, by letter dated 24.11.2014 directed the petitioner to contact the Public Information Officer of the concerned department by filing an application under the Right to Information Act. Thereafter, the petitioner addressed a letter to the Chief Secretary to the Government of Tamil Nadu on 26.11.2014 along with a RTI application in form 'A' as prescribed under Rule 3 (1) of the Right to Information Rules. This application appears to have been forwarded by the Public Information Officer/Under Secretary to Government of Tamil Nadu on 26.12.2014 to the Public Information Officer, Office of the Commissioner of Police, Chennai with instructions to give a reply to the petitioner. Thereafter, the petitioner approached the Commissioner of Police as well as the Directorate of Vigilance and Anti-Corruption and by a communication dated 13.02.2015 sent by the Directorate of Vigilance and Anti-Corruption to the Commissioner of Police, Chennai, a copy of which was marked to the petitioner, the petitioner was informed that as per the instructions given by the Government in memo dated 08.04.1964, which is incorporated in Para 10 (3) of the DVAC Manual, since the petition does not disclose specific evidences under the Prevention of Corruption Act against Mr. Edwin, Police Constable attached with K-4, Anna Nagar Police Station, the Directorate has not made any enquiry into the contents of the petition. Thereafter, the petitioner filed an application to the Tamil Nadu Information Commission on 14.02.2015, which was sent by Speed Post on the same day. According to the petitioner, the Commission had received the letter sent by her vide Tapal No. 5822 dated 16.02.2015. As the Information Commissioner has not acted on the letter dated 14.02.2015 of the petitioner, the present writ petition is filed.

3. I heard the counsel for both sides and perused the materials on record. The learned counsel for the fifth respondent submitted that the application submitted by the petitioner on 14.02.2015 is not in the prescribed format and therefore, the petitioner may be directed to approach the Commission and to submit her appeal in the prescribed format for consideration.

4. Having regard to the nature of allegations made in the affidavit filed in support of the writ petition and the fact that the petitioner had already approached the Tamil Nadu Information Commission by filing an application dated 14.02.2015, which according to the counsel for the fifth respondent is not in the prescribed format, there will be a direction to the petitioner to approach the fifth respondent along with a copy of this order and file a second appeal in the prescribed format along with the representation dated 14.02.2015. On receipt of the same, the fifth respondent is directed to entertain the appeal of the petitioner, issue notice to the parties concerned and after affording an opportunity of hearing to the petitioner and others concerned, shall pass appropriate orders on merits and in accordance with law.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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Teynampet, Chennai - 600 018

+ 1 cc to M/s. Bhuvaneswari, Advocate SR.15906
+ 1 cc Government Pleader Sr.15624

MG(CO)
EU 24.03.2015

<https://hcservices.ecourts.gov.in/hcservices/>

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