

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7084 of 2016

S.M.Govindasamy

... Petitioner

Vs.

1. The State Information Commission,  
Rep. by its Assistant Registrar,  
No.2, Thiayagaraya Salai,  
Teynampet, Chennai 600 018.
2. The Superintendent of Police,  
cum Appellate Authority,  
Erode District,  
Erode 638 001.
3. The Public Information Officer,  
Office of the Additional  
Superintendent of Police (Head Quarters)  
Erode District Police Office,  
Erode 638 001.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the third respondent to pass appropriate order as directed by the first respondent Commission by its order vide SA6019/F/2015 dated 14.08.2015 and on the petitioner's representation dated 01.10.2015 and to provide the information as sought by the petitioner, within a stipulated time as fixed by this Court.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mrs.P.Rajalakshmi,  
Government Advocate

## ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to pass appropriate order as directed by the first respondent Commission by its order dated 14.08.2015 and on the petitioner's representation dated 01.10.2015 and to provide the information as sought by him, within a stipulated time.

2. It is the case of the petitioner that he filed an application on 26.02.2015 under the Right to Information Act to the third respondent seeking information about the official details of one Siva Kumar, Inspector of Police, such as, joining date of service and his posting in various stations. But, the third respondent by reply dated 16.03.2015, refused to provide such information on the ground that under section 8(1)(j) of the Right to Information Act, 2005, it cannot be provided, since it is an unjustifiable inference in an individual's privacy detail and it is not connected to any public duty or public interest. Whereas, according to the petitioner, in a similar application, the District Police Offices of Tirupur and Theni provided him the permanent addresses and posting details of some police officers worked in their Districts. Aggrieved against the reply of the third respondent, the petitioner filed an appeal dated 23.03.2015 to the Appellate Authority, i.e., the second respondent, who, by an order dated 17.04.2015, rejected the appeal and confirmed the order of the third respondent for the same reason, against which, the petitioner preferred a second appeal before the first respondent on 23.04.2015. On receipt of the same, the first respondent by a letter dated 14.08.2015, directed the third respondent to provide the petitioner the official details of the concerned officer excluding the private details and pass order within two weeks. However, the third respondent has not furnished any information to the petitioner. Hence, the petitioner made a representation dated 01.10.2015 seeking compliance of the direction of the first respondent. But, till date, no action has been taken by the third respondent. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the third respondent to consider the representation of the petitioner dated 01.10.2015, by affording an opportunity of personal hearing to the petitioner and pass

appropriate orders with regard to the information sought by him, in the light of the direction issued by the first respondent in his communication dated 14.08.2015. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the third respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Registrar,  
State Information Commission,  
No.2, Thiayagaraya Salai,  
Teynampet, Chennai 600 018.
2. The Superintendent of Police,  
cum Appellate Authority,  
Erode District,  
Erode 638 001.
3. The Public Information Officer,  
Office of the Additional  
Superintendent of Police (Head Quarters)  
Erode District Police Office,  
Erode 638 001.

+1cc to Mr.A.Suresh Sakthi Murugan, Advocate, S.R.No.12049

W.P.No.7084 of 2016

SV(CO)  
CA(17/03/2016)