



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.03.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Rev.Aplc (MD) .No.43 of 2014
in
W.P. (MD) .No.12007 of 2014
and
M.P. (MD) .No.1 of 2014

The State Information Commission
NO.2, Thiyagaraya Road,
Teynampet,
Chennai-600 018

... Applicant/1st Respondent**Vs.**

1. Mr.M.Ramasamy ... 1st Respondent/Petitioner
2. The Public Information Officer cum
Personal Assistant to
Revenue Divisional Officer,
Thanjavur.
3. The Public Information Officer cum
Deputy Tahsildar (Head Quarters)
Taluk Office,
Thanjavur. ... 2 & 3 Respondents/2 & 3 Respondents

PRAYER: The Review Application filed under Order 47 Rule 1 and 2 r/w Section 114 of C.P.C., to review the order of this Court dated 23.07.2014 passed in W.P.(MD).No.12007 of 2014.

Prayer in WP(MD)No.12007/2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Order No. 56374/A/2013 dated 25.02.2014 and to set aside the same as unlawful and against the object of the Right to Information Act, 2005 and consequently to direct the 3rd Respondent to furnish the particulars sought by the Petitioner vide his application dated 02.07.2013.

For Petitioner	: Mr.K.K.Senthil
For R1	: Mr.P.Sesubalan Raja
For R2 & R3	: Mr.D.Muruganantham
	Addl. Government Pleader

**O R D E R**

Heard Mr.K.K.Senthil, learned counsel appearing for the petitioner, Mr.P.Sesubalan Raja, learned counsel appearing for the first respondent and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the second and third respondents.

2.This review application has been filed to review the order dated 23.07.2014 passed in W.P.(MD).No.12007 of 2014.

3.On perusal of the grounds raised by the petitioner, this Court found that on account of a factual error, the writ petition was allowed. It is to be noted that Mr.P.Vignesh was not the applicant, who sought for information under the RTI Act, but whereas, the application was on behalf of one Ramasamy. If that be so, Ramasamy should have been an applicant and his counsel could not prosecute the matter on his behalf as Ramasamy. Then he would have to be construed as a third party and notice has to be issued to him. Recently, this issue has been considered in the case of **N.SARAVANAN V. THE CHIEF COMMISSIONER, TAMIL NADU STATE INFORMATION COMMISSION AND TWO OTHERS** in **W.P.(MD).No.4336 of 2017**, wherein it was held that a citizen can personally ask for information, but not as an advocate on behalf of his client. The said decision will fully apply to the facts and circumstances of the present case. When that being the legal position, the order passed in the writ petition requires to be recalled.

4.The learned counsel for the first respondent/writ petitioner submitted that the information sought for by the first respondent Ramasamy has been secured by him on 27.03.2014 itself.

5.In the light of the error, which has occurred in the order passed in the writ petition, the review application is allowed and the order of the writ Court dated 23.07.2014 is set aside. Consequently, the writ petition is dismissed.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 56039
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55913