



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.14237 of 2015

K.Shudhaker

... Petitioner

Vs.

1.The State Information Commissioner,
Tamil Nadu State Information Commission,
Kamadhenu Supermarket Buildings,
Tennampet, No.378, Anna Salai,
Chennai - 600 018.

2.The Appellate Authority,
O/o.Director General of Police,
Santhome, Near Santhome Beach,
Mylapore, Chennai - 600 004.

3.The Public Information Officer,
O/o.Director General of Police,
Santhome, Near Santhome Beach,
Mylapore, Chennai - 600 004.

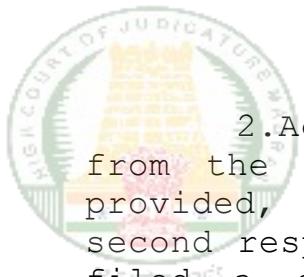
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal, dated 11.09.2014 and consequently direct the third respondent to provide the information sought by the petitioner, within a time limit stipulated by this Court.

For Petitioner	: Mr.V.Manikandan
For R - 1	: Mr.K.K.Senthil
For RR 2 & 3	: Mr.V.Muruganandham
	Additional Government Pleader

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's appeal, dated 11.09.2014 and consequently direct the third respondent to provide the information sought by the petitioner, within a time limit stipulated by this Court.



2. According to the petitioner, he sought for information from the third respondent on 17.03.2014. Since no information provided, he made an appeal before the second respondent and the second respondent also did not provide any information. Hence, he filed a second appeal under Section 19(3) of the Right to Information Act, 2005 before the first respondent on 11.09.2014. The above second appeal is still pending with the first respondent. Hence, he filed the present Writ Petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. The learned counsel for the first respondent submitted that the second appeal filed by the petitioner, dated 11.09.2014 was dismissed by the commission on 15.09.2014, since he did not enclose the documents along with his second appeal, as per Rule 4 of the Tamil Nadu Information Commission (Appeal Procedure) Rules, 2012, the above papers were returned to him with check slip vide Ref.No.33173/SCIC/14 on 29.09.2014 for re-submission of copy of petition given to the Public Information Officer and copy of appeal given to Appellate Authority and so far, the petitioner did not represent the same and hence, no appeal is pending on the file of the first respondent as on date.

5. In view of the fact that no appeal is pending on the file of the first respondent as on date, the relief sought for in the Writ Petition cannot be granted. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To

1. The Appellate Authority,
O/o. Director General of Police,
Santhome, Near Santhome Beach,
Mylapore, Chennai - 600 004.

2. The Public Information Officer,
O/o. Director General of Police,
Santhome, Near Santhome Beach,
Mylapore, Chennai - 600 004.

+1cc to Mr.V.Manikandan, Advocate Sr.No.59323/2016
+1cc to Mr.K.K.Senthil, Advocate SR.No.59461/2016
+1cc to the special Government Pleader SR.No.59519/2016

PS

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