

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7139 of 2017
and
W.M.P.No.7739 of 2017

V.Baskaran

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
"Ripon Buildings,
Chennai 600 003.

2.The Registrar of Births and Deaths
Zonal Office-1,
Corporation of Chennai,
Tiruvottiyur,
Chennai 600 019.

3.Public Information Officer/
Zonal Health Officer-1,
Corporation of Chennai,
Tiruvottiyur,
Chennai-600 019.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus, or any other appropriate Writ, calling for the records pertaining to the Impugned Order of the 3rd Respondent in Na.Ka.Ma.Su.A1/H1/05378/2016 dated 05.10.2016 and quash the same and consequently direct the Respondents to issue the Duplicate death Certificate of B.Vijaya (Who died on 05.03.2006 at Tiruvottiyur and cremated on 06.03.2006 at "Tiruvottiyur Mayanam").

For Petitioner : Mr.V.Chokalingham

For Respondents : Mr.A.Nagarajan

O R D E R

The order passed by the 3rd respondent / Public Information Officer/Zonal Health Officer-1, Chennai Corporation, in proceedings dated 05.10.2016 is under challenge in this writ petition.

2.The impugned order states that the records in relation to the death certificate is not available in the office. The writ petitioner submitted an application under the provisions of Right to Information Act, 2005 for grant of duplicate death certificate, in respect of one Sri.B.Vijaya, Wife of the petitioner herein. However, the Public Information Officer/3rd respondent has informed that the files are not available.

3.This Court is of an opinion is that, if that is the reply given by the Public Information Officer/3rd respondent, the writ petitioner has to approach the Tamil Nadu Information Commission by way of an appeal under the provisions of Right to Information Act, 2005. The Tamil Nadu Information commission is empowered to deal with the appeal in the manner to known law and by issuing notice to the authorities concerned for the purpose of furnishing the information or the documents sought for by the writ petitioner. When the statue provides that an appeal is to be preferred against the order passed by the Public Information Officer, this Court is of an opinion that the writ petitioner has to exhaust the remedy available under the statue.

4.This being the principles to be followed, the petitioner is at liberty to approach the Tamil Nadu Information Commission under the provisions of the said Act, enabling him to redress the grievances in the manner prescribed under the Right to Information Act, 2005.

5.With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner,
Corporation of Chennai,
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3.Public Information Officer/
Zonal Health Officer-1,
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Tiruvottiyar,
Chennai-600 019

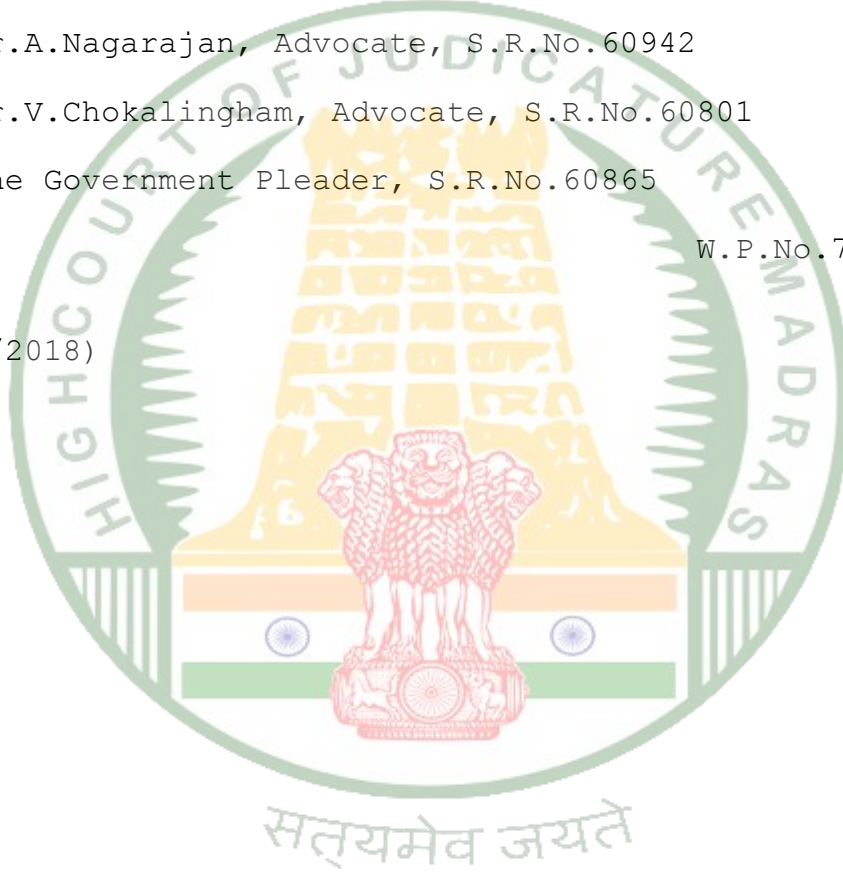
+1cc to Mr.A.Nagarajan, Advocate, S.R.No.60942

+1cc to Mr.V.Chokalingham, Advocate, S.R.No.60801

+1cc to the Government Pleader, S.R.No.60865

W.P.No.7139 of 2017

GSP(18/09/2018)



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