IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-06-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8043 of 2014
And
M.P.Nos.2 and 3 of 2014

Kamaraj College,
Represented by its Principal,
Thoothukudi-8 .. Petitioner

Vs.

1.The Tamil Nadu Information Commission,
No.2, Thiyagaraya Road,
Teynampet,
Chennai-600 018.

2.Thiru A.Kalaivanan .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned direction dated 12.2.2014 in Case No.31327/Enquiry/C1/2008 issued by the first respondent and quash the same and direct the first respondent to hear the objections of the petitioner.

For Petitioner .. Mr.K.Shakespeare

For Respondent-1 .. Mr.L.P.Maurya for M/s.G.R. Associates.

For Respondent-2 .. Mr.B.Ravi

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O R D E R

The impugned enquiry notice, issued by the first respondent in proceedings dated 12.2.2014, is under challenge in this writ petition.

2. On account of the fact that the Information Officer was not present during the enquiry before the Tamil Nadu Information Commission, the Commission issued the notice on 12.2.2014.

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3. Now it is brought before the notice of this Court that the enquiry proceedings initiated by the Tamil Nadu Information Commission under the provisions of the Right to Information Act, was concluded and the final order has been passed by the Commission on 28.7.2014.

4. Accordingly, the informations sought for by the applicant was provided and the grievances in accordance with the provisions of the Act, has been redressed. However, the learned counsel, appearing on behalf of the first respondent, informed that with regard to para 8(1) of the order of this Commission dated 12.2.2014, a case has been already filed by Dr.J.Mohanraj, former Public Information Officer/Principal, Kamaraj College, which is pending before this Court, wherein the orders of the Commission calling for his explanations have been stayed. As such, the question of imposing penalty in this regard will be taken up after the final disposal of that case by this Court in WP No.8043 of 2014.

5. It is needless to state that the proceedings already commenced in this regard by the Commission has to reach its logical conclusion. The Commission has to proceed the said enquiry in accordance with the provisions of the Right to Information Act and by providing opportunity to all the parties concerned. In respect of the grievances of the writ petitioner, the information had already been furnished and thus, no further adjudication needs to be entertained in respect of the other grounds raised in this writ petition.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To
The Tamil Nadu Information Commission,
No.2, Thiyagaraya Road,
Teynampet,Chennai-600 018.
+ 1 cc to MR.K.Shakespeare, Advocate Sr.41718
+ 1 cc to M/s. G.R. Associates, Advocate Sr.41650

W.P.No.8043 of 2014

(CS-IV)
EU(10/07/2018)

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