

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2018

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.30380 of 2017

Dr.Prabakaran Reguna Sukumar

... Petitioner

Vs.

1. State Chief Information Commissioner,
Tamil Nadu State Information Commission,
No.2, Thiyagaraya Road,
Teynampet,
Chennai - 600 018.
2. Additional Chief Secretary/ Commissioner
of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The Public Information Officer (under RTI Act)
Joint Commissioner (Legal)
O/o Addl.Chief Secretary &
Commissioner of Commercial Taxes,
Chepauk,
Chennai - 600 005.

... Respondents

This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 1st respondent State Information Commission to reopen the second Appeal Proceedings vide case No.SA-12604/SCIC/2016 dated 01.09.2017 and keep the Second Appeal pending till the correct and proper reply is furnished by the 3rd respondent/ Public Information Officer as per the directions passed in Case No.SA-12604/SCIC/2016 dated 28.04.2017.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.Niranjan Rajagopal for R1

O R D E R

The petitioner seeks for a mandamus direct the first respondent to reopen the Second Appeal proceedings vide Case No.SA-12604/SCIC/2016 dated 01.09.2017 and keep the Second

Appeal pending till the correct and proper reply is furnished by the 3rd respondent/ Public Information Officer as per the directions passed in Case No.SA-12604/SCIC/2016 dated 28.04.2017.

2. Heard both sides.

3. In a Second Appeal arising out of the proceedings passed under the Right to Information Act, the first respondent disposed the said Appeal on 28.04.2017 by issuing certain directions as stated thereunder. The petitioner made an application 01.09.2017 before the first respondent stating that there is an error apparent on the face of the said order and therefore, another opportunity with fresh date of hearing to verify the records to be given. In effect, the petitioner wants to reopen the Second Appeal already disposed of on 28.04.2017. When the said application was not considered, the petitioner has filed the present writ petition before this Court.

4. Learned counsel appearing for the first respondent submitted that there is no error apparent on the face of record warranting reopening of the matter. However, he fairly submitted that the first respondent has not disposed of the application filed by the petitioner on 01.09.2017 so far.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the respective parties as admittedly, the application filed by the petitioner on 01.09.2017 is still pending before the first respondent. Therefore, this writ petition is disposed of without expressing any view on the merits of the matter only with a direction to the first respondent to consider the said application of the petitioner and pass orders on the same on merits and in accordance with law. Such exercise shall be done by the first respondent within a period of six weeks from the date of receipt of a copy of this order. No costs.

s/d-
सुतारिणीव नगरते
Assistant Registrar (CS IX)

True Copy

Sub-Assistant Registrar

vsi
To

1. State Chief Information Commissioner,
Tamil Nadu State Information Commission,
No.2, Thiagaraya Road,
Teynampet,
Chennai - 600 018.

2. Additional Chief Secretary/ Commissioner
of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 600 005.

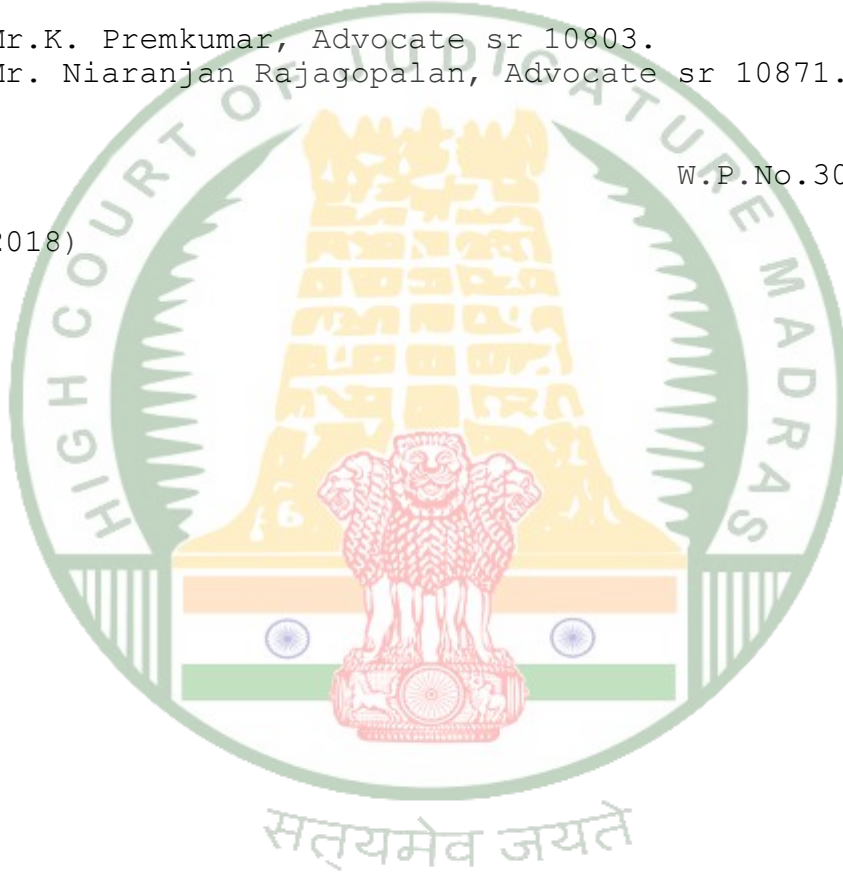
3. The Public Information Officer (under RTI Act)
Joint Commissioner (Legal)
O/o Addl.Chief Secretary &
Commissioner of Commercial Taxes,
Chepauk,
Chennai - 600 005.

+1 CC to Mr.K. Premkumar, Advocate sr 10803.

+1 CC to Mr. Niaranjan Rajagopalan, Advocate sr 10871.

W.P.No.30380 of 2017

SP(16/02/2018)



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