

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.16330 of 2014

and

M.P.No. 1 of 2014

C.L.Spl.95, Modaiyur Primary Agricultural Co-op
Credit Society
Rep by its President D.Natarajan
S/o.Duraisamy
Modaiyur Village & Post
Gingee Taluk, Villupuram District.

...Petitioner

Vs.

1. The Assistant Registrar
Tamilnadu Information Commission
No.2, Thiyagarayar Salai
Teynampet, Chennai - 18.

2.Gowrishankar
S/o.Krishnamoorthy

... Respondents

PRAYER

Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records pertaining to the summon issued by the 1st respondent in case No.20740/C/2013 dated 11.06.2014 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : No appearance [For R1 & R2]

O R D E R

The notice issued by the first respondent in proceedings dated 11.06.2014 is under challenge in this writ petition. The writ petitioner is a co-operative society, registered under the provisions of the Tamil Nadu Co-operative Societies Act.

2.The learned counsel appearing on behalf of the writ petitioner states that the information sought for by the second respondent cannot be provided in view of certain difficulties. However, all such contentions are to be adjudicated before the

first respondent under the provisions of the Right to Information Act.

3.The very notice issued by the first respondent cannot be challenged in the present writ proceedings. No writ petition can be entertained against the notice issued by a competent authority seeking explanations / objections from the persons in accord with law. Judicial review against a show cause notice are certainly limited and on exceptional circumstances, the writ proceedings can be entertained if any Show Cause Notice is issued by a competent authority having no jurisdiction, incompetency or the allegations of malafides. Even in case of raising allegation of malafides, the authorities against whom such an allegation is raised is to be impleaded as party in the writ petition in his personal capacity. In the absence of any one of these legal cause, no writ can be entertained in a routine manner.

4.Thus, the writ petitioner has to appear before the first respondent and submit their explanations /objections in relation to the notice issued by the first respondent. In view of the fact that the very notice is under challenge in this writ petition, no further adjudication is required in this writ petition.

5.Accordingly, this writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

may
To

The Assistant Registrar
Tamilnadu Information Commission
No.2, Thiyagarayar Salai
Teynampet, Chennai - 18.

+1 CC to Mr.C.Prakasam, Advocate sr 29430.
+1 CC to Govt. Pleader sr 29556.

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NRI (CO)
SP (09/05/2018)