

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8850 of 2009

Mr.C.Kumar

... Petitioner

Versus

1.Public Information Officer/
P.A. To District Collector, (General),
Kancheepuram District,
Kancheepuram.

2.Public Information Officer/
P.A. To District Collector, (Rural),
Kancheepuram District,
Kancheepuram.

3.The E.O/Appeal Officer,
III Grade Municipality,
Ullagaram - Puzhuthivakkam Panchayat,
Chennai - 600 091.

4.The District Collector/Appeal Officer,
Kancheepuram District,
Kancheepuram.

5.The State Information Commissioner,
I Floor, Kamadhenu Super Market,
378, Anna salai, Chennai - 18.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking Writ of Mandamus, to direct the respondents to give necessary information to the petitioner under the Right to Information Act with regard to the fate of his complaint dated 07.05.2008.

For Petitioners: Ms.T.Bharathi
for Mr.S.Jaganathan

For R1 to R4 : Mr.R.S.Selvam,
Government Advocate.

For R5 : Mr.L.P.Mouliya
for M/s.G.R.Associates.

O R D E R

The prayer sought for in the present writ petition is to direct the respondents to give necessary information to the petitioner under the Right to Information Act with regard to his complaint dated 07.05.2008 given to the first respondent, seeking information and reply for about 10 questions with regard to the fate of his complaint to the Collector of Kancheepuram dated 08.02.2005 for the offence committed under the provisions of Untouchability Act and as to whether any action was taken against the concerned officials and other related questions.

2. Today, when the matter is taken up, the learned counsel for the fifth respondent / Tamil Nadu Information Commissioner has produced a copy of the proceedings of the Tamil Nadu Information Commission vide his Letter(Case) No.1000477/Writ/2009, dated 15.02.2010, wherein it has been stated that the petitioner has preferred a second appeal dated 22.10.2008 with the Commission and it was taken up for hearing in the case No.34454/Enq/2008 and disposed of. The order passed and approved by the Commission in the above case on 01.09.2009 was enclosed along with the above proceedings dated 15.02.2010.

3. The grievance of the petitioner in this case is no information provided to him with regard to his letter/complaint dated 07.05.2008. But the said complaint dated 07.05.2008 was made to the first respondent seeking the fate of his earlier complaint dated 08.02.2005. On perusal of the records, it could be seen that in the order passed in case No.34454/Enq/2008, it was stated by the Commission that since the Public Information Officers, namely, first and second respondents have appeared before the Information Commission and produced relevant records and stated that their office has not received any such complaint dated 08.02.2005, which was alleged to have been sent by the petitioner, there is no possibility for them to offer information regarding the complaint raised by the petitioner. In the said order, it was also stated that since the petitioner has alleged that he also sent a similar complaint to the Commissioner of Municipal Administration, the said complaint will be dealt with separately and there is no relation between this complaint and that complaint.

4. In view of the order passed in case No.34454/Enq/2008 and as no complaint, dated 08.02.2005 of the petitioner, was received by the first and second respondents, nothing survives in this writ petition. Accordingly, this Writ Petition is closed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

klr
To

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+1 CC to M/s.G.R. Associates sr 43864.
+1 CC to The Govt. Pleader sr 45593

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KK(CO)
SP(02/01/2019)