

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.26000 of 2008
and M.P.No.1 of 2008

Institute of Asian Studies
represented by its Secretary,
having regd office at Chemmancherry,
Sholinganallur Post,
Chennai - 600 119.

..Petitioner

-Vs-

1.Tamil Nadu Information Commission,
Kamadhanu Co-Operative Super Market,
Building, I Floor,
New No.379, Anna Salai,
Teynampet, Chennai - 600 018.

2.T.Rethinapandian

..Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India seeking for a Writ of Certiorari, to call
for the records of the First respondent in Case
No.5895/Enquiry/2008 quash the order dated 17.09.2008.

For Petitioner : Mr.R.Asokan

For Respondents : Mr.Niranjan Rajagopalan
for M/s.G.R.Associates for R1
Mr.Su.Srinivasan for R2

सत्यमेव जयते
O R D E R

Heard Mr.R.Asokan, learned counsel for the petitioner,
Mr.Niranjan Rajagopalan, learned counsel for the first
respondent, Mr.Su.Srinivasan, learned counsel for the second
respondent and perused the materials available on record.

2. Assailing the order of the first respondent dated
17.9.2008, the present writ petition has been filed, mainly
contending that there is violation of principles of natural
justice.

3. The learned counsel for the petitioner would submit that
on receiving notice from the first respondent, one of the staff
of the petitioner Institution namely Bhaskaran, appeared on

behalf of the petitioner before the first respondent and sought time to engage a counsel. However, instead of adjourning the matter, the impugned order came to be passed after lapse of seven months.

4. It is also contended that the petitioner has not received any funds from the Government and hence it cannot be defined as a public authority to furnish the information sought for by the second respondent.

5. Per contra, the learned counsel for the respondents made submissions in support of the impugned order.

6. A Perusal of the impugned order would show that the petitioner was not provided with an opportunity to put forth their case and hence, on the sole ground, the order impugned in this writ petition is liable to be set aside. Accordingly, it is set aside and the matter is remitted back to the first respondent. The first respondent after issuing notice to the petitioner and second respondent shall pass orders afresh on merits and in accordance with law.

7. In fine, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

ms

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Tamil Nadu Information Commission,
Kamadhanu Co-Operative Super Market,
Building, I Floor,
New No.379, Anna Salai,
Teynampet, Chennai - 600 018.

Copy to:-

The Section Officer,
V.R.Section,
High Court, Madras - 104.

+1cc to Mr.G.R.Associates, Advocate, SR.No.65994

W.P.No.26000 of 2008

and

M.P.No.1 of 2008

Kak (28/09/2019)