

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.21747 of 2014

V.Krishnamurthi

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Petitioner

Vs.

1.The Chief Information Commissioner,
State Information Commission,
No.2, Sir Thiyagarajar Salai,
Near Alaiyammal Koil,
Teynampet, Chennai - 600 018.

2.The Revenue Divisional Officer,
(1st Appellate Authority
under Right to Information Act),
Taluk Suppliers Officer's Office,
Kumbakonam - 612 001.

3.The Taluk Supply Officer,
(The Public Information Officer),
Office of the Taluk Supply Officer's Office,
Kumbakonam - 612 001.

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Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to take appropriate action under Sections 20(1) & 20(2) of the Right to Information Act, 2005 and further to direct the third respondent to furnish correct information to the petitioner.

For Petitioner : Mr.D.Asenthamani

For Respondents : Mr.L.P.Maurya
For G.R.Associates for R1
Mr.B.Anand
Government Advocate for R2 & R3

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the first respondent to take appropriate action under Sections 20(1) & 20(2) of the Right to Information Act, 2005 and further directing the third respondent to furnish correct information to the petitioner.

2. The case of the petitioner is that initially he sought for informations to the third respondent with regard to development and action taken on the representation made by him for cancellation of family card to one Mrs.Arulmozhi. The third respondent, vide letter dated 10.10.2010, sent a reply to the petitioner. According to the petitioner the said reply was false and misleading one. Hence, he made an Appeal in Case No.457/Enquiry/C/2011 to the second respondent under Section 19 (1) of the Right to Information Act, 2005. On 01.03.2013, the first respondent conducted an enquiry and directed the third respondent to furnish the detailed information regarding the contrary replies to the petitioner within a week. Thereafter, the petitioner made several representations to the respondents, however, so far, no action was taken. Hence, the present Writ Petition.

3. The second respondent has filed a counter affidavit and it is stated that on 01.03.2013, the first respondent has passed the final order, by directing the third respondent to furnish a detailed reply to the petitioner and it is not an interim order. It is further stated that pursuant to the direction of the first respondent, dated 01.03.2013, the third respondent by an order dated 15.03.2013, has given reply to the petitioner and complied with the order passed by the first respondent and therefore, the contention of the petitioner that no final order has been passed is totally bereft of any merit. Hence, nothing survives for further adjudication in the Writ Petition.

4. The learned counsel appearing for the first respondent would submit that the first respondent has passed the final order on 01.03.2013 and it is not an interim order and no appeal is pending before the first respondent, as stated by the petitioner. It is further submitted that if the petitioner is aggrieved by the said order, the petitioner can file a complaint or appeal before the concerned Authorities. Hence, the relief sought for by the petitioner in this Writ Petition is liable to be rejected.

5. In the light of the above submissions and also stand taken in the counter that the first respondent has passed the final order on 01.03.2013, by directing the third respondent to furnish reply within a week and pursuant to the said order, the third respondent also complied with the order passed by the first respondent on 15.03.2013, and as the relief sought for in the Writ Petition has already been granted, the Writ Petition is liable to be dismissed and accordingly, it is dismissed. However, if the petitioner is aggrieved, he can work out his remedy before the appropriate forum. There is no order as to costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

- 1.The Chief Information Commissioner,
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Office of the Taluk Supply Officer's Office,
Kumbakonam - 612 001.

- 1 cc to Mr.D.Asenthamani, Advocate Sr.No.35888
- 1 cc to M/S.G.R.Associates, Advocate Sr.No.36590
- 1 cc The Government Pleader Sr.No.36349

W.P.No.21747 of 2014

SSV(CO)

RRI 08/06/2019