

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2019

CORAM

THE HON'BLE Dr. JUSTICE ANITA SUMANTH

W.P.No.29563 of 2018

M.Dinesh

... Petitioner

--Vs--

The Central Public Information Officer,
Under RTI Joint Deputy Director &
CPIO, Intelligence Bureau,
[Ministry of Home Affairs],
Level-5, East Block,
No.8, R.K.Puram,
New Delhi-110 066.

... Respondent

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to furnish the arrival and departure particulars mentioned in the Passport No.H4940685 of the petitioner as directed by Information Commissioner, Central Information Commission, New Delhi.

For Petitioner : Mr.B.Ullasavelan

For Respondent : Mr.Aditya Reddy

O R D E R

The petitioner in this writ petition seeks issuance of a writ of mandamus directing the respondent/The Central Public Information Officer to furnish the arrival and departure particulars mentioned in the Passport No.H4940685 as directed by the Information Commission, New Delhi.

2. Heard Mr.B.Ullasavelan, learned counsel for the petitioner and Mr.Aditya Reddy, learned counsel for the respondent.

3. The petitioner had approached this Court earlier in W.P.No.11956 of 2017 seeking a writ of certiorarified mandamus calling for the records of the Director and Appellate Authority dated 20.12.2016, quash of the same and a direction him to furnish arrival and departure particulars under RTI Act, as

mentioned in the aforesaid passport, for the period 01.01.2013 to 31.12.2015. The writ petition came to be disposed of on 05.02.2018 by a learned Single Judge of this Court granting liberty to the petitioner to pursue appeal remedy before the Second Appellate Authority and such early disposal of the appeal.

4. The Central Information Commission thereafter considered the matter and on 07.05.2018 at paragraph no.13 ordered as follows:

Furthermore, there is no impediment in terms of exceptions carved out in Section 8 of the RTI Act prohibiting dissemination of information sought. Accordingly, the Commission directs the PIO, Bureau of Immigration, Intelligence Bureau/MHA to provide complete information sought within four weeks of receipt of the present order.

4. This order of the Commissioner was challenged by the Central Public Information Officer by way of a writ petition filed in the High Court, Delhi in W.P.(C).No.7383 of 2018 and C.M.No.18218 of 2018. After hearing the parties, a learned Single Judge of the Delhi High Court directed the Central Public Information Officer to provide the information as sought for by the petitioner leaving the larger question, whether such information fell within the exception to Section 24(2) of the RTI Act, open to be considered in an appropriate case.

5. This order of the learned Single Judge has been confirmed in a Letters Patent Appeal in L.P.No.678 of 2018 and C.M.Appls.No.51156-59 of 2018 dated 07.12.2018. As of now, there is nothing on record to indicate that the matter has been further agitated before the Supreme Court.

6. In the light of the circumstances as noticed aforesaid, there is no justification for withholding the information sought for by the petitioner any further. The respondent will furnish the information sought, to the petitioner within a period of two (2) weeks from date of receipt of a copy of this order. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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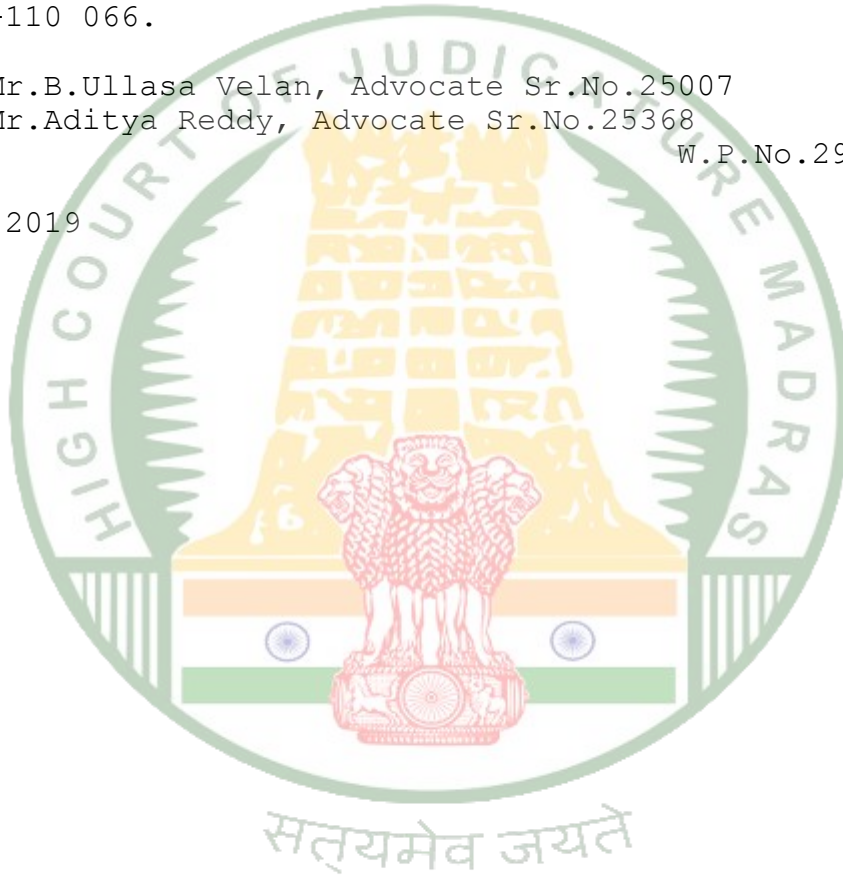
To

The Central Public Information Officer,
Under RTI Joint Deputy Director &
CPIO, Intelligence Bureau,
[Ministry of Home Affairs],
Level-5, East Block,
No.8, R.K.Puram,
New Delhi-110 066.

+1 cc to Mr.B.Ullasa Velan, Advocate Sr.No.25007
+1 cc to Mr.Aditya Reddy, Advocate Sr.No.25368

W.P.No.29563 of 2018

CSL/04.04.2019



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