

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 10.01.2019

Coram
THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.34835 of 2018

M.Indira

.. Petitioner

Vs.

1. The Registrar General,
High Court of Madras,
Madras - 600 104
2. The Registrar,
[District Judiciary]
High Court of Madras,
Madras - 600 104
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Deputy Superintendent of Police,
Vellore District, Vellore.
5. The Inspector of Police,
Sathuvacheri Police Station,
Sathuvacheri, Vellore District
6. M.Andal
District Judge,
Mahila Court Quarters,
Sathuvachary, Vellore District.
7. M.Selvam
District Judge,
Mahila Court Quarters,
Sathuvachary, Vellore District.

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the Respondents 1 and 2 to take action against the Respondents 6 and 7 herein based on the representation / complaint of the Petitioner dated 20.08.2018.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.Karthick Ranganathan for R1 and R2

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents 1 and 2. Since this Court is disposing of the present matter at the admission stage itself, notice to Respondents 3 to 7 is not ordered, to prevent an aberration of justice and to promote substantial cause of justice.

2. The Petitioner, in the present Writ Petition has prayed for passing of an order by this Court by directing the Respondents 1 and 2 to take action against the Respondents 6 and 7 based on the Representation / Complaint of the Petitioner dated 20.08.2018. Admittedly, the Petitioner is the sister of the 7th Respondent , who is serving as Sessions Judge, Magalir Neethimandram, [Fast Track Court, Mahila Court], Vellore.

3. It comes to be known that the complaint of the Petitioner dated 20.08.2018 was looked into by the High Court and it appears that the Sworn Affidavit dated 17.09.2018 was obtained from the Petitioner and ultimately, the complaint was not entertained because it relates to 'Internal Family Dispute'.

4. Further, this Court points out that although as per Section 3 of the Right to Information Act, the right of all citizens, to receive information, is statutorily recognised, but, Section 6 of the Act gives the said right to any person and as such, Section 6 of the Act in a sense, is wider in its ambit within the Section 3 of the Act, as per decision of Hon'ble Supreme Court Chief Information Commissioner V. State of Manipur reported in A.I.R. 2012 S.C.864.

5. It is to be noted that the information sought must be in existence and accessible to Public Authority, as per decision of Hon'ble Supreme Court between Khanapuram Gandaiah V. Administrative Officer reported in (2010) 2 S.C.C.1.

6. It may not be out of place for this Court to make a relevant mention that Section 18 of the Right to Information Act, 2005 pertains to 'Powers and Functions of Commission'. Section 19 of the Act deals with an 'Appeal'. In fact, the

ingredients of Sections 18 and 19 of the Act are for two different purposes and prescribe two different procedures and provide two different remedies. Moreover, one cannot be a substitute for the other. Besides the above, this Court points out that 'Penalty' can be imposed under Section 20(2) of the Act only when information was supplied with undue delay without there being any sufficient reason or information was declined to be supplied without any reason, as per decision Nagar Nigam V. Chief Information Commissioner A.I.R. 2015 Uttarakhand 118.

7. In view of the fact that the complaint of the Petitioner dated 20.08.2018 was not entertained by the High Court, which information was furnished by the Assistant Registrar [Admn.-II], High Court, Madras to the Assistant Registrar [RTI], High Court, Madras [with reference to Letter in R.O.C.No.77742/2018/RTI dated 14.11.2018], this Court directs the Respondents 1 and 2 to communicate the information of not entertaining the complaint by the High Court to the Petitioner through RPAD within one week from the date of receipt of copy of this Order without fail. Viewed in that perspective, nothing survives for adjudication in the present Writ Petition.

With the aforesaid observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Registrar General,
High Court of Madras,
Madras - 600 104
2. The Registrar,
[District Judiciary]
High Court of Madras
Madras - 600 104
3. The Superintendent of Police,
Vellore District
4. The Deputy Superintendent of Police,
Vellore District,
Vellore

5. The Inspector of Police,
Sathuvacheri Police Station,
Sathuvacheri, Vellore District

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.2614

W.P.No.34835 of 2018

KS (CO)

rrs 12/02/2019