

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 17.07.2019****CORAM:****THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR****W.P. (MD) No. 14419 of 2019**

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S.M.A.pon Gandhimathi Nathan

... Petitioner

Vs.

1. The State Information Commissioner,
Tamil Nadu Information Commission,
No.2, Theagaraya Salai,
Near Aalai Amman Kovil,
Teynempet,
Chennai 600 018.

2. The Appellate Authority / Joint Director,
Department of Geology and Mining,
Thiru Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

3. The Public information Officer / Assistant Director,
Department of Geology and Mining,
District Collectorate Campus,
Thoothukudi District.

4. K. Panner Selvam

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue appropriate orders against the fourth respondent under Section 20 of the Right to Information Act, 2005 and consequently, issue direction to the third respondent to provide information to the petitioner as per the order in S.A.No.2969/C/2018, dated 19.03.2019 passed by the first respondent within the time to be stipulated by this Court.

For Petitioner : Mr. I. Pinaygash

For Respondents : Mr. K. K. Senthil for R1
Mr. C. M. Mari Chelliah Prabhu,
AGP for R2 and R3

ORDER

The prayer in the Writ petition is for a Writ of Mandamus, directing the first respondent to issue appropriate orders against the fourth respondent under Section 20 of the Right to Information Act, 2005 and consequently, issue direction to the third respondent to provide information to the petitioner as per the order in S.A.No.2969/C/2018, dated 19.03.2019 passed by the first respondent within a time frame.



2. Heard Mr. I. Pinaygash, learned counsel for the petitioner, Mr. K. K. Senthil learned standing counsel appearing for the first respondent and Mr. C. M. Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents 2 and 3.

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3. This Court is not going to pass any adverse orders against the fourth respondent and therefore, notice to the fourth respondent is dispensed with.

4. When the Writ petition is taken up for hearing, the learned standing counsel for the first respondent submitted that, by letter / notice dated 10.07.2019, it has been informed by the first respondent to the learned standing counsel that, notice has already been issued to the petitioner, who appeared for enquiry with regard to his appeal filed and pending before the first respondent on 02.08.2019 and the relevant portion reads thus:

"2. With reference to the prayer made by the petitioner in his affidavit in W.P. (MD) No. 14419/2019, I am to inform you that the Commission has ordered to conduct further enquiry on 02.08.2019 forenoon in S.A. No. 2969/C/2018. The notice of inquiry in this regard will be sent separately to the petitioner as well as the Public Information Officers concerned."

5. By relying upon the said communication, the learned standing counsel for the first respondent would submit that, in view of the said communication where the petitioner was directed to appear on 02.08.2019 for enquiry, pursuant to which, if the petitioner appears, based on which, a decision would be taken by the first respondent.

6. I have considered the said submission and noted the content there in the said letter dated 10.07.2019.

7. Since notice has already been issued to the petitioner to appear on 02.08.2019 before the first respondent and once the petitioner appeared before the first respondent, after enquiring him and after enquiring the rival party, the first respondent would pass necessary orders at the earliest. Therefore, the petitioner cannot have any grievance as has been projected before this Court in this Writ petition any more and in that view of the matter, recording the said communication of the first respondent dated 10.07.2019, this Writ petition is disposed of as no further order is required to be passed. No costs.

Sd/-

Assistant Registrar (AD-II)

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To

1.The State Information Commissioner,
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Chennai 600 018.

2.The Appellate Authority / Joint Director,
Department of Geology and Mining,
Thiru Vi.Ka.Industrial Estate,
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3.The Public information Officer / Assistant Director,
Department of Geology and Mining,
District Collectorate Campus,
Thoothukudi District.

+1 CC to Mr.K.K.SENTHIL, Advocate (SR-76189[F] dated 19/07/2019)

+1 CC to SPL GP (SR-75988[F] dated 18/07/2019)

+1 CC to Mr.I.PINAYGASH, Advocate (SR-76053[F] dated 18/07/2019)

W.P. (MD) No.14419 of 2019
17.07.2019

NBJ

MK (06.09.2019) 3P 7C