

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 23796 of 2012

R.Venkatesan

...Petitioner

-vs-

1. The State Information Commission,
No.2, Sir Thyagaraya Road,
(Near Alayamman Koil)
Teynampet, Chennai - 600 018.
2. The First Appellate Authority,
Assistant Director of Panchayaths,
Kancheepuram.
3. The Public Information Officer,
Block Development Officer (BDO),
Aalapakkam Panchayath, Kattankollathur
Panchayath Union,
Kattankolathur.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the order dated 27.03.2012 passed by the first respondent and quash the same and direct the third respondent to furnish the details sought by the petitioner in his Application dated 20.01.2010.

For Petitioner :Mr. P.B.Suresh Babu

For Respondents :Mr. G.Rajesh

Government Advocate for R2

Mr. V.Jayapraksh Narayanan

Special Government Pleader for R3

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O R D E R

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records of the order dated 27.03.2012 passed by the first respondent and quash the same and direct the third respondent to furnish the details sought by the petitioner in his Application dated 20.01.2010.

2. The case of the petitioner is that, he is an Information Seeker, he sought for some information from the third respondent i.e., The Public Information Officer / Block Development Officer, Kattankollathur Panchayath Union, pertaining to the work done and bill raised and paid, in respect of one Aalapakkam Panchayath, that comes under the purview of the third respondent for the period between 01.01.2007 and 2011 and the said information, since was not furnished by the third respondent, the petitioner having made a vain attempt before the second respondent, who is the First Appellate Authority under the Right to Information Act, 2005, has approached the first respondent / Information Commission, by filing the second appeal, which was considered and decided by the first respondent vide impugned order dated 27.03.2012. In the said order, the State Information Commission i.e., first respondent, having recorded that the very petitioner / Information Seeker himself having verified all those documents, which he sought for from the third respondent, has expressed satisfaction and in that regard, he had written communication to the third respondent, which was produced before the first respondent / Information Commission on the date of hearing on 21.03.2012 and therefore, on that ground, the plea raised by the Information Seeker, at the second appeal filed before the first respondent / Information Commission, was disposed of, as against which only, the present Writ Petition has been filed.

3. Mr. V.Jayapraksh Narayanan, learned Special Government Pleader appearing for the third respondent, by relying upon the averments made in the counter affidavit would submit that, all those information sought for by the Information Seeker, since has been shown to the Information Seeker and after having verified or inspected the same, he having expressed the satisfaction had given a letter to the third respondent, which was produced before the first respondent / Information Commission at the time of hearing of the second appeal. After satisfying with the said letter given by the petitioner / Information Seeker, whereby, he accepted that he had gone through the documents sought for by him and has expressed his satisfaction, by recording the same, the first respondent had disposed the said second appeal. Therefore, as against which, he may not have any further grievances, hence, the Writ Petition has to be rejected, he contended.

4. I have considered the said submissions made by the learned counsel appearing for the petitioner as well as the learned Standing counsel appearing for the first respondent / Information Commission and in order to sustain the order, which is impugned herein, he reiterated the aforesaid facts as has been projected by the petitioner side.

5. On perusal of the records, especially the impugned order, it discloses that, the petitioner / Information Seeker has sought for information from the third respondent pertaining to the work undertaken at the Alapakkam Panchayat during the relevant point of time. Since those documents have been produced for the perusal to the petitioner / Information Seeker, the petitioner also having perused the same, expressed his satisfaction and to that extent, he has given a letter to the third respondent and the same, since has been produced before the first respondent / Information Commission, the first respondent also on consideration of the same, has come to the right conclusion that, the information sought for by the petitioner / Information Seeker, since was given to the Information Seeker, who after perusal of the same was satisfied, then the question of seeking any further information does not arise, accordingly, the said developments was recorded by the first respondent and the second appeal filed by the Information Seeker was closed or disposed of, of course, rightly by the first respondent through the impugned order.

6. In that view of the matter, this Court feels that, no interference is called for in the said order, which is impugned herein. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji
To

1. The State Information Commission,
No.2, Sir Thyagaraya Road,
(Near Alayamman Koil)
Teynampet, Chennai - 600 018.
2. The First Appellate Authority,
Assistant Director of Panchayaths,
Kancheepuram.
3. The Public Information Officer,
Block Development Officer (BDO),
Aalapakkam Panchayath, Kattankollathur
Panchayath Union, Kattankolathur.

+1cc to M/s.V.Jayaprakash, Advocate, S.R.No.38848

+1cc to the Government Pleader, S.R.No.38887

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sra(CO)
rv(03/02/2021)