

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2020

CORAM

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

W.P.No.7127 of 2020

Kasi Mayan

... Petitioner

-vs-

1.The State Information Commissioner,
Tamil Nadu Information Commission,
No.2, Theagaraya Salai,
Teynampet, Chennai - 600 018.

2.The Public Information Officer,
Food Safety & Drug Administration Dept,
DDHS Office Campus,
Thiruvallur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records and quashed the impugned order vide No.CP.480/E/2017 on 14.11.2018 passed by the 1st respondent and further direct the 1st respondent to take action in the petitioner complaint dated 28.06.2017.

For Petitioner : Mr. P.Muthamizh Selvakumar

For Respondents : Mr.Niranjan Rajagopal
for M/s.G.R.Associates (for R1)

: Mr.M.Venkadesh kumar
Government Advocate (for R2)

सत्यमेव जयते
O R D E R

The present writ petition is filed for a Writ of Certiorarified Mandamus, calling for the records and quashed the impugned order, vide No.CP.480/E/2017, dated 14.11.2018 passed by the first respondent and further, to direct the first respondent, to take action in the petitioner complaint dated 28.06.2017.

2. The petitioner filed an application dated 24.04.2017 under the Right to Information Act, 2005 to the Public Information Officer, Thiruvallur. Since, he did not get

information within 30 days. He made a complaint to the first respondent. In the meanwhile, with a delay of 16 days the information was provided. However, the first respondent has treated his complaint as appeal and directed the Public Information Officer, Thiruvallur, to provide information within 30 days, if not provided and also send the details to the Commission. Public Information Officer, Thiruvallur was also instructed the manner in which the information should be provided. It is also observed that the applicant is entitled to file an appeal, if he is not satisfied with the same. Against which this order, the petitioner is before this Court.

3. Learned counsel for the petitioner would contend that he has made a complaint to the Commission which erroneously entertained the same as appeal. Therefore, the order of the Information Commission, should be set aside.

4. I have considered the submissions.

5. On a reading of the order passed by the first respondent, dated 14.11.2018, it is seen that taking the complaint on file, the first respondent instructed the Public Information Officer, Thiruvallur, to provide information and in case, it cannot be considered, to provide reasons and justification for doing so and it is also observed that the applicant is entitled to file an appeal to the appellate authority.

6. In my considered opinion, even though the nomenclature is stated as an appeal, the first respondent has only disposed of the complaint filed by the petitioner. No orders on merits were passed. Now that, as per the submission of the learned counsel for the petitioner, the information has already been provided by the Public Information Officer, Thiruvallur/the second respondent herein under Right to Information Act, 2005 and therefore, nothing survives for further adjudication in the writ petition.

7. Accordingly, the writ petition is dismissed. No Costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dm

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To

1.The State Information Commissioner,
Tamil Nadu Information Commission,
No.2, Theagaraya Salai,
Teynampet, Chennai - 600 018.

2.The Public Information Officer,
Food Safety & Drug Administration Dept,
DDHS Office Campus,
Thiruvallur District.

+1 cc to M/s.Government Pleader sr24577

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