

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 25888 of 2013

D.Ashok Kumar
S/o.Devaraj
Thenkodippakkam and Post
Vanur Taluk
Villupuram District 604 102.

Petitioner

-vs-

1. The Registrar
Tamilnadu State Information Commission
No.2, Thiyagarayar Salai
(Near Aalayamman Temple)
Eldams Road Junction
Teynampet
Chennai - 600 018.

2. The District Collector
Villupuram District
Villupuram.

3. The Public Information Officer/
Deputy Tahsildar (HQ)
Office of the Tahsildar
Vanur Taluk
Villupuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order First Respondent made in Case No.26835/Enquiry/A/2012 dated 22.03.2013 and quash the same and consequently direct the First Respondent to proceed as per its order made in Case No.26835/Enquiry/C/2009 dated 17.05.2012 forthwith.

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For Petitioner : Mr.S.Sathia Chandran

For Respondents: Mr. Niranjan Rajagopalan (For R1)
Mr. D.Sathyaraj (For R2 and R3)
Special Government Pleader

O R D E R
(through video conference)

Heard Mr.S.Sathia Chandran, Learned Counsel for the Petitioner, Mr. Niranjan Rajagopalan, Learned Counsel for the First Respondent, and Mr. D.Sathyaraj, Learned Special Government Pleader for the Second and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the order dated 22.03.2013 in Case No.26835/Enquiry/A/2012 passed by the First Respondent dismissing the appeal filed by the Petitioner for non-appearance. The grievance sought to be ventilated by the Petitioner is that inasmuch as he had not received any notice for the hearing on the date on which the impugned order has been passed, he could not attend the same. Learned Counsel for the First Respondent is not in a position to produce any proof till today for having issued any prior notice informing the said date of hearing to the Petitioner, which vitiates the impugned order as an infraction of the rule of audi alteram partem (no man shall be condemned unheard).

3. In that view of the matter, the impugned order in Case No.26835/Enquiry/A/2012 dated 22.03.2013 is set aside and the matter shall be listed for hearing before the First Respondent on 25.11.2020, and the Petitioner and the Third Respondent shall appear for that hearing without fail. If the First Respondent is not in a position to take up the matter for hearing on that date, it shall inform to all parties concerned of the adjourned date of hearing in the prescribed manner under written acknowledgment. The First Respondent, after affording full opportunity of full hearing to all parties concerned, shall deal with each of their contentions following the prescribed procedure and the principles of natural justice, and pass reasoned order on merits in accordance with law and communicate the decision to them.

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In the result, the Writ Petition is ordered on the aforesaid terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Maya/kv

To

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SPD(CO)
CB(29/10/2020)

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