

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020
CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 13802 of 2020

Mr. Nithyaesh Natraj

... Petitioner

-vs-

The Central Information Commissioner,
August Kranti Bhavan, Bhikaji Cama Place,
New Delhi - 110 006.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to dispose of the second appeal of the petitioner dated 24.07.2017 as earlier directed by this Hon'ble Court in W.P. No. 27136 of 2017 and reiterated in Contempt Petition No. 1974 of 2018.

For Petitioner : Mr. Nithyaesh Natraj
party-in-person

For Respondent : Mr. Venkatasamy Babu

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent to dispose of the Second Appeal of the petitioner dated 24.07.2017 earlier as directed by this Hon'ble Court in W.P. No. 27136 of 2017 and reiterated in Contempt Petition No. 1974 of 2018.

2. The petitioner viz., Mr. Nithyaesh Natraj, who appeared party-in-person has moved this Writ Petition with the aforesaid prayer stating that, as against the PIO concerned, he has approached the respondent / Central Information Commission by filing Second Appeal and the said Second Appeal since was not decided or disposed of, he had approached this Court by filing Writ Petition, where he had got some directions and subsequently, since that order passed by this Court, according to the petitioner, has not been complied with by the respondent, he again approached this Court, by filing Contempt Petition, where also some direction was issued, of course by taking into consideration of all the stand taken by the respondent / Central Information Commission.

3. However, despite these orders, passed by this Court, till now, the Second Appeal filed by the petitioner dated 24.03.2017 was not disposed, only with that grievance, he filed the present Writ Petition with the aforesaid prayer.

4. During the last hearing, though it was submitted by Mr. Venkatasamy Babu, learned counsel appearing for the respondent / Central Information Commission that, Second Appeal filed by the petitioner was disposed as early as on 23.05.2018, the copy of the same could not be produced immediately, therefore he wanted some time. Thereafter, he filed typed set of papers annexed with the memo dated 10.11.2020, and the order in Second Appeal passed by the respondent, dated 23.05.2018.

5. On perusal of the said order dated 23.05.2018, it discloses that, the Second Appeal filed by the petitioner has been disposed of. The said copy of the order also was served on the petitioner, who, having gone through the same, has fairly submitted that, had this order dated 23.05.2018 been communicated to the petitioner or had been uploaded in the website, this Writ Petition would not have been filed. Now, based on the order passed in the Second Appeal, he can workout his remedy, hence he seeks disposal of this Writ Petition by recording the aforesaid developments.

6. In view of the above, since the Second Appeal filed by the petitioner has already been disposed of by the respondent / Central Information Commission, as early as on 23.05.2018 and the copy of the said order now has been served on the petitioner, there could be no further issue pending to be adjudicated in this Writ Petition. Accordingly, by having recorded the aforesaid developments, this Writ Petition is disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vji
To

The Central Information Commissioner,
August Kranti Bhavan, Bhikaji Cama Place,
New Delhi - 110 006.

+1 CC to Mr. Venkatasamy Babu, Advocate sr 42369.

W.P. No. 13802 of 2020

GPL (CO)
SP(18/01/2021)