

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

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

W.P. No. 5160 of 2014

V.Ramakrishnan

... Petitioner

-vs-

1. State Information Commissioner
Tamil Nadu Information Commission
No.2, Thyagarayar Road, Teynampet
Chennai - 600 018.

2. Joint Director /Appellate Authority
Under the Right to Information Act, 2005
Office of the Joint Director of Agriculture
Salem -1.

3. Public Information Officer
Office of the Assistant Director of Agriculture
Attur, Salem 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 records of the First Respondent in Case No. 20871/Enquiry/E/2013, quash the order dated 10.09.2013 and consequently, direct the Third Respondent to furnish the documents as required by the Petitioner in his RTI application dated 16.02.2013.

For Petitioner : Mr.T.S.Vijaya Raghavan

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

WEB COPY
O R D E R
(through video conference)

Heard Mr. T.S.Vijaya Raghavan, Learned Counsel for the Petitioner,
Mr. Niranjan Rajagopalan, Learned Standing Counsel for the First Respondent,
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 Petitioner made an application dated 16.02.2013 under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act' for short) to the Third Respondent seeking several information regarding funds allocated to the Agriculture Department under the various schemes of the Government of Tamil Nadu. The Third Respondent by an order dated 15.03.2013 rejected that application by pointing out that no public interest is involved and the voluminous information sought by the Petitioner would disproportionately divert the resources of the Government and quoted the decision of the Hon'ble Supreme Court of India in Central Board of Secondary Education -vs- Aditya Bandopadhyay [(2011) 8 SCC 497] in support of that conclusion.

3. The appeal dated 02.04.2013 preferred by the Petitioner under Section 19(1) of the Act against that order before the Second Respondent was dismissed by order dated 03.04.2013 confirming the order passed by the Third Respondent. Thereafter, the Petitioner has filed the Second Appeal dated 09.05.2013 under Section 19(3) of the Act, before the First Respondent, who did not find any infirmity in the orders passed by the Second and Third Respondents and by order in Case No. 20871/Enquiry/E/2013 dated 10.09.2013 and ultimately dismissed the same. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the order passed by the First Respondent.

4. Having regard to the fact that the definition of 'Right to Information' in Section 2(j)(i) and (ii) which includes the right to inspect documents and records and taking notes and extracts of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to that procedure for obtaining the required information, instead of pursuing the claim for requiring the Third Respondent to furnish the same. He has also filed a memo dated 24.09.2020 to that effect through e-mail, which is placed on record.

5. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msm

To

1. State Information Commissioner
Tamil Nadu Information Commission
No.2, Thyagarayar Road, Teynampet
Chennai - 600 018.

2. Joint Director /Appellate Authority
Under the Right to Information Act, 2005
Office of the Joint Director of Agriculture
Salem -1.

3. Public Information Officer
Office of the Assistant Director of Agriculture
Attur, Salem District.

+1 CC to Mr.T.S.Vijaya Raghavan, Advocate sr 31521.

W.P. No. 5160 of 2014

KK(CO)
SP(29/10/2020)



WEB COPY