

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

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

W.P. No. 11068 of 2014

and

M.P. No. 2 of 2014

R.Sivanandhan
No.1, Pudupet Garden Road
Royapettah
Chennai - 600 014.

... Petitioner

-vs-

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

2. The Appellate Authority (RTI Act)
Medical & Rural Health Services
Tynampet, Chennai - 600 006.

3. The Public Information Officer
Medical & Rural Health Services
Tynampet, Chennai - 600 006.

4. The Secretary to Government of Tamil Nadu
Department of (Publicity & Information)
Fort St. George
Chennai - 600 009.

5. The Secretary to Government of Tamil Nadu
Department of Health and Family Welfare
Fort St. George
Chennai - 600 009.

... 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 proceedings of the First Respondent dated 07.03.2014 in proceedings Case No.49959/Enquiry/E/2013 passed in the nature of confirming the

order of the second respondent dated 24.09.2013 in his proceedings Ma.Mu.No.55663/NiP/7/3/2013, which in turn passed confirming the order of the third respondent dated 22.08.2013 in his proceedings Po.Th.A.No.474/Nip7/3/2013 and quash the same and consequentially direct the first respondent to furnish the information as sought by the petitioner in his petition dated 22.07.2013 to the third respondent and further initiate appropriate action under Section 20 of the Right to Information against respondent no 1 and 3 for their failure to furnish information as sought by the petitioner.

For Petitioner : Mr. S.Senthil Nathan

For Respondents: Mr. Niranjan Rajagopalan (For R1)

Mr. D.Sathyaraj (For R2)
Special Government Pleader

O R D E R

(through video conference)

Heard Mr. S.Senthil Nathan, Learned Counsel for the Petitioner, Mr. Niranjan Rajagopalan, Learned Standing Counsel appearing for the First Respondent, Mr. D.Sathyaraj, Learned Special Government Pleader appearing for the Second Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner made an application dated 22.07.2013 under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act' for short) to the Third Respondent seeking various information regarding transferred of the employees in the Department of Medical and Rural Health Services in the Government of Tamil Nadu. The Third Respondent by an order dated 22.08.2013 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 30.08.2013 preferred by the Petitioner under Section 19(1) of the Act against that order before the Second Respondent was dismissed by order dated 24.04.2013 confirming the order passed by the Third Respondent. Thereafter, the Petitioner had filed the Second Appeal dated 25.10.2013 under Section 19(3) of the Act, before the First Respondent, who took note of the fact that the Petitioner did

not appear for the hearings on which the matter had been listed and did not find any infirmity in the orders passed by the Second and Third Respondents and by order in Case No.49959/Enquiry/E/2013, dated 07.03.2014 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.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Information Commissioner
Tamil Nadu State Information Commission
No.2, Thiyagaraja Salai
Teynampet, Chennai - 600 018.
2. The Appellate Authority (RTI Act)
Medical & Rural Health Services
Tynampet, Chennai - 600 006.
3. The Public Information Officer
Medical & Rural Health Services
Tynampet, Chennai - 600 006.

4. The Secretary to Government of Tamil Nadu
Department of (Publicity & Information)
Fort St. George
Chennai - 600 009.

5. The Secretary to Government of Tamil Nadu
Department of Health and Family Welfare
Fort St. George
Chennai - 600 009.

Copy to

Thiru. R.Sivanandhan
No.1, Pudupet Garden Road
Royapettah
Chennai - 600 014.

W.P. No. 11068 of 2014

jp[col
srg 03/11/2020