

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

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

W.P. No. 11243 of 2014

A.Ramesh Manikandan
Advocate
Old No.130, New No.273
4th Floor, Room No.5
Thambu Chetty Street
Chennai - 600 001.

... Petitioner

-vs-

1. The Tamil Nadu Information Commission
Rep. by Registrar
No.2, Sir Thiagaraya Salai
Adjacent to Alaiyamman Temple
Teynampet, Chennai - 18.
2. The Zonal Officer/
Appellate Authority (Zone -14)
Corporation of Chennai /Zone -14
6/64, Puzhuthivakkam Main Road
Chennai - 600 091.
3. The Assistant Revenue Officer/
Public Information Officer
Corporation of Chennai /Zone -14
6/64, Puzhuthivakkam Main Road
Chennai - 600 091.
4. The Additional Director
Directorate of Town Panchayat
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to enquire regarding the Petitioner 2nd Appeal Petition dated 04.09.2013 under Right to Information Act, 2005 to give the information to the Petitioner.

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For Petitioner : Mr. A.Ramesh Manikandan
(Party-in-Person)

For Respondents: Mr. Niranjan Rajagopalan
Standing Counsel (for R1)

Mr. V.Jayaprakash Narayanan
(for R3 & R4)

O R D E R
(through video conference)

Heard Mr. A.Ramesh Manikandan, Party-in-Person, Mr. Niranjan Rajagopalan, Learned Standing Counsel appearing for the First Respondent, Mr. V.Jayaprakash Narayanan, Learned Counsel for the Third and Fourth Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner made an application dated 15.04.2013 under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act' for short) to the Chief Secretary, Government of Tamil Nadu requiring certain information relating to the election of Thiru. K.P.Kanthan, as President of the Town Panchayat at Perungudi, Chennai - 600 096, in the year 1996-2001 and the same was ultimately transferred to the Public Information Officer, Directorate of Town Panchayat, Chennai. The Assistant Director of Town Panchayat by order in Na.Ka. No. 527/2013-Peru-5, dated 21.05.2013 sent a reply to the Petitioner for the information sought by him. The Petitioner, who was not satisfied with the said reply, filed the First appeal dated 18.07.2013 under Section 19(1) of the Act, before the Commissioner, Corporation of Chennai, for which replies dated 22.07.2013 and 30.08.2013 had been sent to him by the Second Respondent. The Petitioner, thereafter, filed the Second Appeal under Section 19(3) of the Act, before the First Respondent and as he had not received a response from the same, he has filed this Writ Petition for directing the First Respondent to conduct enquiry in that Second Appeal to give the information sought by him.

3. When the matter is taken up for hearing today, Learned Standing Counsel appearing for the First Respondent, on instructions, states that by order dated 12.09.2013, the Petitioner had been informed to prefer the First Appeal before the Second Respondent. As already noticed supra, the Petitioner had preferred the First Appeal before the Second Respondent and

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the Second Respondent has also sent reply dated 30.08.2013 and in such circumstances, the cryptic order dated 12.09.2013 sent by the First Respondent cannot be sustained and the same is set aside and the Second Appeal shall be restored to the file of the First Respondent for fresh consideration.

4. The matter shall be listed for hearing before the First Respondent on 03.12.2020, and the Petitioner, the Second to Fourth Respondents shall appear on that date 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 date of hearing to which it is adjourned in the prescribed manner. The First Respondent shall afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice and pass reasoned orders in the Second Appeal dealing with each of the contentions raised by the parties on merits and in accordance with law.

Accordingly, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Tamil Nadu Information Commission
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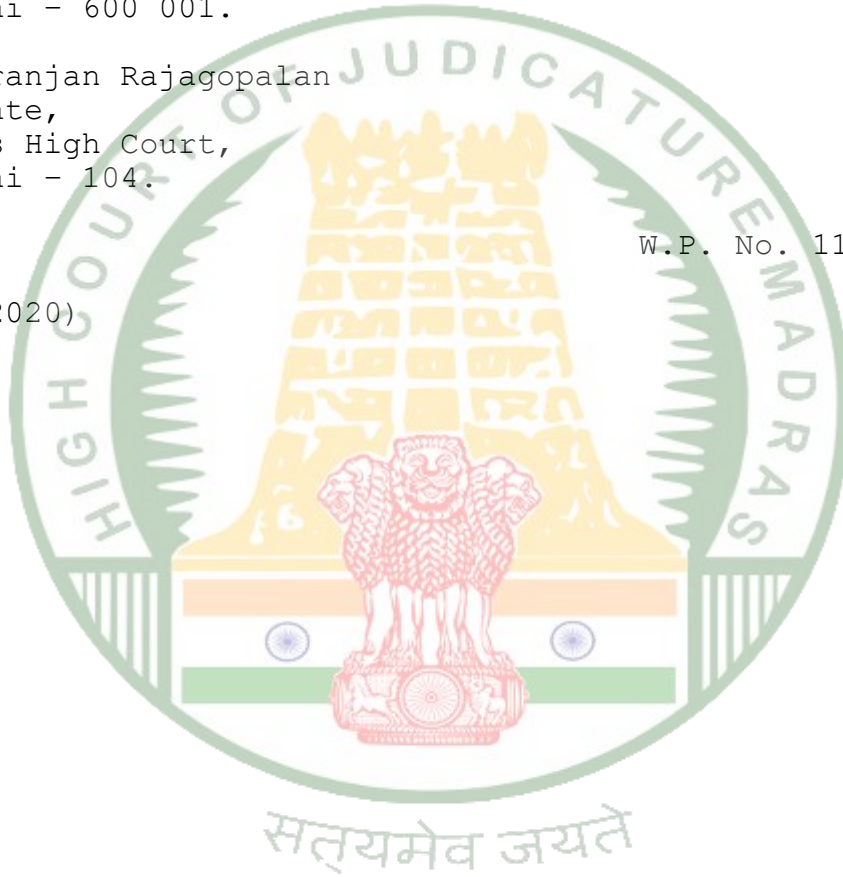
4. The Additional Director
Directorate of Town Panchayat
Kancheepuram District.

Copy to

1. A.Ramesh Manikandan
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Thambu Chetty Street
Chennai - 600 001.
2. Mr. Niranjan Rajagopalan
Advocate,
Madras High Court,
Chennai - 104.

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SRA(CO)
CB(11/11/2020)



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