



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

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**THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**

W.P(MD).No.14355 of 2020  
and W.M.P.(MD).Nos.12004 & 12006 of 2020

Sri Karpaga Vinayagar Temple,  
represented by its Hereditary Trustee,  
PL.Palaniappan Chettiar,  
P.K.NK.Trust,  
Pillaiyarpatti, Sivagangai District. .. Petitioner  
Vs.

- 1.The State Information Commissioner,  
Tamilnadu Information Commission,  
No.2, Thiyagarayar Road, Eldams Road Junction,  
Teyanampet, Chennai - 600 018.
- 2.The Appellate Authority/  
Office of the Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Sivagangai, Sivagangai District.
- 3.The Public Information Officer/Manager,  
Office of Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Sivagangai, Sivagangai District.
- 4.V.L.Ramanathan .. Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order dated 16.09.2020 passed by the 1<sup>st</sup> respondent in Order No.SA6066/SCIC/2020 and quash the same.

|                 |   |                                                                                                               |
|-----------------|---|---------------------------------------------------------------------------------------------------------------|
| For Petitioner  | : | Mr.AL.Kannan                                                                                                  |
| For Respondents | : | Mr.K.K.Senthil, for R1<br>Standing Counsel<br>Mr.K.P.Narayana Kumar for R2 & R3<br>Special Government Pleader |

**ORDER**

This writ petition has been filed challenging the order dated 16.09.2020, passed by the first respondent under the Right to Information Act.



2.Heard Mr.AL.Kannan, learned counsel for the petitioner. Mr.K.K.Senthil, learned Standing counsel accepts notice on behalf of the first respondent and Mr.K.P.Narayana Kumar, learned Special Government Pleader, accepts notice on behalf of the respondents 2 and 3.

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3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that the first respondent has entertained the appeal of the fourth respondent without issuing any prior notice or following the procedure contemplated under the Right to Information Act and has found the petitioner guilty under the impugned proceedings. According to the petitioner, the fourth respondent, submitted an application under the Right to Information Act, on 28.06.2020, to the third respondent, seeking information about the petitioner temple and its internal Administration. It is also contended by the petitioner trustee that they have also sent a reply through their counsel to the fourth respondent, on 08.07.2020, denying the allegations of the fourth respondent. According to them, if aggrieved by the order passed by the third respondent, the only remedy available to the fourth respondent is to preferred a statutory appeal under Section 19(1) of the Right to Information Act. According to the petitioner, the fourth respondent, instead, has straight away preferred an appeal before the second Appellate Authority namely, the first respondent herein. Further, it is contented by the petitioner that under the impugned order, dated 16.09.2020, the first respondent has entertained the appeal filed by the fourth respondent and has found the petitioner guilty and directed them to furnish details with regard to the temple Administration on or before 06.10.2020. In such circumstances, this writ petition has been filed.

5.Mr.K.K.Senthil, learned Standing counsel appearing for the first respondent would submit that till date, no orders have been passed by the third respondent on the application submitted by the fourth respondent, on 26.06.2020, under the Right to Information Act, seeking for information about the petitioner temple and its internal Administration. He also submits that the impugned communication is not an order, passed under the Right to Information Act. It is only a communication, addressed to the third respondent, requesting him to pass final orders in the application submitted by the fourth respondent under the Right to Information Act. It is further contented that under the impugned communication dated 16.09.2020, the petitioner has not been held guilty as stated in the affidavit filed by the petitioner in support of his writ petition.

6.The learned counsel for the petitioner on instructions would submit that the petitioner is satisfied, if the submissions made by the learned Standing counsel for the first respondent is



7. In view of the submissions made by the learned Standing counsel for the first respondent that no final orders have been passed by the third respondent in the application submitted by the fourth respondent under the Right to Information Act and in view of the fact that the impugned communication is not an order passed under the Right to Information Act and is only an internal communication, this Court after recording the submissions made by the Standing counsel, is inclined to dispose the writ petition as closed.

8. Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar (CS)

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*Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

TO

1. The Appellate Authority/  
Office of the Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Sivagangai, Sivagangai District.

2. The Public Information Officer/Manager,  
Office of Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Sivagangai, Sivagangai District.

+1 CC to M/s.K.K. SENTHIL, Advocate ( SR-20130  
[F] dated 15/10/2020 )

+1 CC to M/s.GP ( SR-20176[F] dated  
15/10/2020 )

**W.P (MD) .No.14355 of 2020**  
**14.10.2020**

KMV (CO)

**KK(22.10.2020) 3P 5C**

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