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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.2037 of 2010 and M.P.No.1/2010

New Tirupur Area Development Corporation
Limited rep. by its Authorized Signatory,
'Anurag' No.15, Murray's Gate Road,
Alwarpet, Chennai-600 018. ... Appellant/Petitioner

-vs-

- 1.State of Tamil Nadu
rep. by its Secretary,
Personnel and Administrative
Reforms AR III Department,
Fort St. George,
Chennai-600 009.
- 2.State Information Commission,
Kamadenu Supermarket,
1st Floor, No.273, New No.378,
Anna Salai, Teynampet,
Chennai-600 018.
- 3.The Chief Information Commissioner,
Kamadenu Supermarket,
1st Floor, No.273, New No.378,
Anna Salai, Teynampet,
Chennai-600 018.
- 4.Rahmat
- 5.Gaurav Dwivedi ... Respondents/Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent
against the order dated 06.04.2010 made in W.P.No.9794/2008 by a
learned Single Judge of this Court.



Prayer in W.P.No.9794/2008:

Writ of Certiorarified Mandamus to call for the records of the first to third respondents leading to the passing by the second respondent of the impugned order dated 24th March 2008 bearing No. 31422/Enquiry/2006 and to quash the same and to forbear the respondents from acting in furtherance of the impugned order.

For Appellant : Mr.P.Aravind Dater
Senior Counsel for
Mr.P.Giridharan

For respondents : Mr.T.Arun Kumar,
Govt. Advocate for R1
Mr.Niranjan Rajagopal
for M/s.G.R.Associates
for R2 and R3
Mr.P.V.Ravichandran
for R4 and R5

JUDGMENT

(Judgment of the Court was pronounced by T.RAJA.J)

This Writ Appeal has been directed against the order dated 06.04.2010 made in W.P.No.9794/2008 in and by which the learned Single Judge of this Court dismissed the Writ Petition filed by the New Tirupur Area Development Corporation Limited, the appellant herein thereby holding that the appellant is the Public Authority as defined under Section 2 (h)(d) of the Right to Information Act, 2005 by the State Information Commission, the 2nd respondent herein.

2. Heard the learned Counsel for the appellant.

3. Learned Counsel for the respondents 2 and 3 submitted that after the dismissal of the Writ Petition filed by the appellant herein in W.P.No.9794/2008 thereby confirming the order passed by the State Information Commission, Chennai, the 2nd respondent herein dated 24.03.2008 bearing No.31422/Enquiry/2006 holding that the appellant is a 'public authority' as defined under Section 2(h) (d) of the Right to Information Act with a direction to supply the information sought for by the respondents 4 and 5 within 15 days, much more developments and changes have taken place. During the pendency of this appeal, three important decisions of Our High Court in The Public Information Officer and Others vs. The Registrar, Tamil Nadu Information Commission and others reported in AIR 2015 Madras 169, yet another decision of High Court of Delhi in Indian Potash Limited and others vs. Union of India and others



reported in 2018 IIAD (Delhi) 552 and one more decision of Kerala High Court in Cochin International Airport Limited vs. State Information Commissioner and another reported in ILR 2019 (2) Kerala 624 have defined what is ''public authority''.

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4. Since all these judgments have clearly defined what is ''public authority'' so as to bring the public authority under the ambit of Section 2(h)(d) of the Right to Information Act, finding that the learned State Information Commissioner to consider these parametres indicated in the aforementioned judgments, we deem it fit to remand the matter back to the State Information Commissioner, the 2nd respondent herein to re-do the matter afresh and pass appropriate orders in accordance with law and also taking into account the three important decisions of Our High Court in The Public Information Officer and Others vs. The Registrar, Tamil Nadu Information Commission and others reported in AIR 2015 Madras 169, yet another decision of High Court of Delhi in Indian Potash Limited and others vs. Union of India and others reported in 2018 IIAD (Delhi) 552 and one another decision of Kerala High Court in Cochin International Airport Limited vs. State Information Commissioner and another reported in ILR 2019 (2) Kerala 624.

5. With the above observation and direction, the impugned order passed by the learned Single Judge in W.P.No.9794/2008 thereby confirming the order passed by the State Information Commission, Chennai, the 2nd respondent herein dated 24.03.2008 bearing No.31422/Enquiry/2006 is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar(CS)

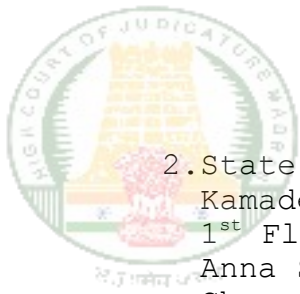
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Sub Assistant Registrar

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To

1.The Secretary,
State of Tamil Nadu,
Personnel and Administrative
Reforms AR III Department,
Fort St. George,
Chennai-600 009.



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2.State Information Commission,
Kamadenu Supermarket,
1st Floor, No.273, New No.378,
Anna Salai, Teynampet,
Chennai-600 018.

3.The Chief Information Commissioner,
Kamadenu Supermarket,
1st Floor, No.273, New No.378,
Anna Salai, Teynampet,
Chennai-600 018.

+1cc to M/s.Government Pleader (SR No.34636)

+1cc to M/s.G.R.Associates, Advocates (SR No.34283)

W.A.No.2037/2010

SJ (CO)
PR (13/08/2021)