



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM :

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25763 of 2021

P.Sunil

...Petitioner

vs.

1.Tamilnadu Information Commission,
2, Sir Thiyagaraya Salai (Near Alayamman Koil),
Teynampet, Eldams Road Junction, Chennai-18.

2.The Appellate Authority,
The Superintending Engineer/ CEDC / Central,
110 KV Valluvarkottam SS Complex,
Nungambakkam Chennai-34.

3.The Assistant Commissioner,
Public Information Officer-R.T.I,
22, Thodunter Nagar,
Saidapet, Chennai-15.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records and to quash the order passed by the 1st respondent in SA 9928/C/2020 dated 17.06.2021 and impose penalty on the respondents for not providing necessary and relevant information.

For Petitioner : P.Sunil
Party in person

For Respondent R1 : Mr.C.Vigneswaran
Standing Counsel

For Respondent R2 & R3 : No Appearance

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records and to quash the order passed by the 1st respondent in SA 9928/C/2020 dated 17.06.2021 and impose penalty on the respondents for not providing necessary and relevant information.



2.The case of the petitioners is that he has filed application under RTI Act, 2005 on 27.05.2020 seeking information before 3rd respondent. The 3rd respondent vide reply dated 14.07.2020 have not furnished the information sought for by the petitioner and against the same, the petitioner filed an Appeal before the 2nd respondent on 03.08.2020 and the 2nd respondent has also failed to furnish the information sought for by the petitioner vide its reply dated 10.09.2020 and against the said reply/order, the petitioner preferred Second Appeal before the 1st respondent and the 1st respondent, in turn, remanded the proceedings back to the 3rd respondent for reconsideration and thereafter, similar evasive order was passed by the 3rd respondent. Aggrieved by the said order passed by the 3rd respondent vide order dated 14.07.2021 this writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that though the petitioner repeatedly filed application and appeal in order to get some basic information under RTI Act, 2005, he has been dragged from pillar to post and till now the information sought for by the petitioner was not provided by the respondents 1 to 3 herein. He further submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's application and to provide the necessary information sought for by the petitioner.

4. The learned Standing Counsel appearing for the 1st respondent submitted that the petitioner, without challenging the order passed by the 3rd respondent, vide order dated 14.07.2021, filing the present writ petition is not maintainable. He further submitted that, the 1st respondent vide Lr.No.SA 9928/C/2020 dated 17.06.2021 has clearly stated that, if the information sought for by the petitioner is not furnished by the authorities, the petitioner can write a letter to the 1st respondent enclosing his phone number, however the same was not complied by the petitioner. He also submitted that, if any appeal is filed as against the order passed by the 3rd respondent vide Lr.No.EE /O&M /T.N /CEDC /C /AE /CAUP /F.RIA /D.0901 /21 dated 14.07.2021, the same will be considered.

5.Heard the arguments advanced on either side

6.Recording the submission of the learned Standing Counsel appearing for the 1st respondent and since the petitioner, without availing the alternate remedy available to him, that is, without challenging the order passed by the 3rd respondent vide order dated 14.07.2021, has filed this Writ petition, the present petition is not maintainable.



7. Accordingly, this writ petition is closed. No costs. However, liberty is granted to the petitioner to file appropriate appeal before the 1st respondent and if any such appeal is filed, the 1st respondent is directed to take appropriate action as expeditiously as possible.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

skt

To:

1. Tamilnadu Information Commission,
2, Sir Thiyagaraya Salai (Near Alayamman Koil),
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2. The Appellate Authority,
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3. The Assistant Commissioner,
Public Information Officer-R.T.I,
22, Thodunter Nagar, Saidapet, Chennai-15.

+1cc to Mr.L.Jaivenkatesh, Advocate SR.No.63874

+1cc to Mr.P.Sunil, Party-in-Person SR.No.63857

W.P.No.25763 of 2021

PM(CO)
RVM(03/01/2022)