



BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.90 of 2022

and

W.M.P(MD)Nos.76 & 78 of 2022

WEB COPY

M.Sivakumar

... Petitioner

Vs

1.The District Collector,
Karur District,
Karur.

2.The Superintendent of Police,
Karur District,
Karur.

3.The Deputy Superintendent of Police,
Karur District,
Karur.

4.The Sub-Inspector of Police,
Velliyanai Police Station,
Karur District,
Karur.

5.The District Child Protection Officer,
District Child Protection Office,
Karur District,
Karur.

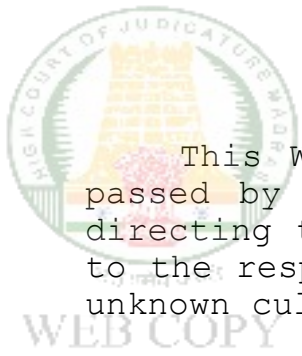
6.S.Sathish Kumar

7.M.Ganesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the fifth respondent in Na.Ka.No.36/A/Maa.Ku.Paa.A/2020/Karur, dated 05.05.2021 and quash the same as illegal and consequently directing the fifth respondent to furnish the copy of the complaint to the respondents 2 to 4 for appropriate investigation against the unknown culprit and erring officials in accordance with law.

For Petitioner	:	Mr.V.Thirumal
For RR 1 to 5	:	Mr.K.Sanjay Gandhi
		Government Advocate (Crl. Side)
For RR 6 & 7	:	No appearance



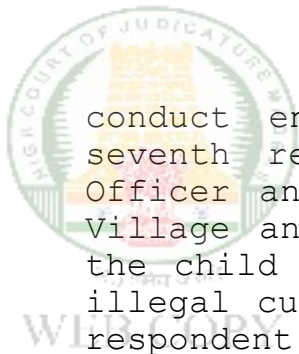
ORDER

This Writ Petition has been filed to quash the impugned order passed by the fifth respondent, dated 05.05.2021 and consequently directing the fifth respondent to furnish the copy of the complaint to the respondents 2 to 4 for appropriate investigation against the unknown culprit and erring officials in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 5.

3. The case of the petitioner is that he got married with one Saraswathi on 20.09.2009 and had no issues for the past several years. However, in the year 2019, his wife got conceived and gave birth to a male child on 09.04.2020. While being so, unknown enigmatic neighbourhood, who has personal enmity and to wreck vengeance, lodged a complaint on the grievance day of the first respondent on 07.12.2020 as if the petitioner had kidnapped a child from Anaimalai, Pollachi area and growing the child in the petitioner's home. The complaint was forwarded to the seventh respondent and on receipt of the same, the seventh respondent along with the fifth respondent conducted enquiry. Thereafter, reported that the child was not kidnapped by the petitioner and it was born to the petitioner. Therefore, the petitioner submitted an application under the RTI Act to the Public Information Officer/Personal Assistant (General) to the District Collector, Karur in respect of the details of the complaint and the same was forwarded to the seventh respondent and it was duly replied by the seventh respondent stating that no complaint has been received in the grievance day. Thereafter, the petitioner made a representation for taking appropriate action as against the seventh respondent to find out the real culprit. In the meanwhile, the petitioner also sought for information under the Right to Information Act before the fifth respondent. By order, dated 05.05.2021, the fifth respondent denied to provide information about the complainants since the complaint was lodged by the common Villagers. Aggrieved by the same, the petitioner preferred an appeal before the Appellate Authority and the same was rejected on the same day. In fact, aggrieved by the said order, the petitioner also preferred Second Appeal before the Tamil Nadu State Information Commission, Chennai and it is pending. On the one hand, the petitioner filed this Writ Petition challenging the denial of information under the Right to Information Act by the fifth respondent and on the other hand, he filed first Appeal and the same was also rejected and aggrieved by the same, Second Appeal is filed and the same is pending on the file of the Tamil Nadu State Information Commission, Chennai.

4. That apart, on a perusal of the counter-affidavit filed by the fifth respondent revealed that on the complaint lodged during the grievance day of the first respondent in name of Perumalpatti
<https://hcservicescourts.gov.in/hcservices/>, the fifth and seventh respondents were directed to



conduct enquiry and file a report. Accordingly, the fifth and seventh respondents along with the local Village Administrative Officer and other officers concerned had gone to the petitioner's Village and conducted enquiry. On the enquiry, they revealed that the child was born to the petitioner and there is no abduction of illegal custody of any child. Accordingly on 08.02.2020, the fifth respondent submitted enquiry report before the first respondent. In the meanwhile, the petitioner sought for information under the Right to Information Act about the details of the complaint and the complainant's name. It is not possible to provide the exact details of the complainant and further it is not a normal case, therefore the details of the complainant cannot be disclosed to the petitioner and accordingly, the said request was rejected by the fifth respondent.

5.As stated supra, the complaint was lodged by the entire Villagers called Perumalpatty Colony. Further, the petitioner also filed an appeal as against the order passed by the first Appellate Court before the Tamil Nadu State Information Commission, Chennai and it is pending.

6.In view of the above, the Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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 District Collector,
Karur District,
Karur.

2.The Superintendent of Police,
Karur District,
Karur.



3.The Deputy Superintendent of Police,
Karur District,
Karur.

4.The Sub-Inspector of Police,
Velliyanai Police Station,
Karur District,
Karur.

5.The District Child Protection Officer,
District Child Protection Office,
Karur District,
Karur.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

THE OFFICER INCHARGE,
TAMIL NADU STATE INFORMATION COMMISSION,
CHENNAI.

+1 CC to M/s.V.THIRUMAL, Advocate (SR-16132[F] dated 01/04/2022)

Order made in
W.P (MD) No. 90 of 2022
31.03.2022

SB (CO)
GC (11.04.2022) 4P 9C