



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4686 of 2022
and
W.M.P.[MD]No.3933 of 2022

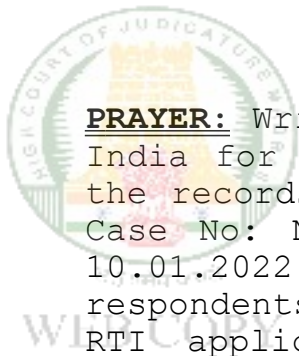
S.Sunil

... Petitioner

Vs.

- 1.The State Information Commissioner,
Tamil Nadu State Information Commission,
No.19, Government Farm Village,
Panepet,
Nandhanam,
Chennai - 600 035.
- 2.The Appellate Authority / District Revenue Officer,
Kanyakumari District,
Nagercoil,
Nagercoil Zone.
- 3.The Appellate Authority / Assistant Director of Town Panchayat,
Office of Assistant Director of Town Panchayat,
Collectorate,
Nagercoil,
Kanyakumari District.
- 4.The Public Information Officer /
Personal Assistant to District Collector,
Office of District Collector,
Kanyakumari District,
Nagercoil.
- 5.The Public Information Officer /
Assistant Director of Town Panchayat,
Office of Assistant Director of Town Panchayat,
Collectorate,
Nagercoil,
Kanyakumari District.
- 6.The Public Information Officer / Executive Officer,
Kaliakavilai Town Panchayat,
Kaliakavilai,
Kanyakumari District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the first respondent in Case No: NC 3905/D/2021 (SA.10150/D/2021 & C.P.1186/D/2021) dated 10.01.2022 and quash the same and consequently direct the respondents to provide information sought by the petitioner in his RTI application dated 07.11.2020 and further direct the first respondent to initiate appropriate action against the respondents 2 to 6 under Right to Information Act.

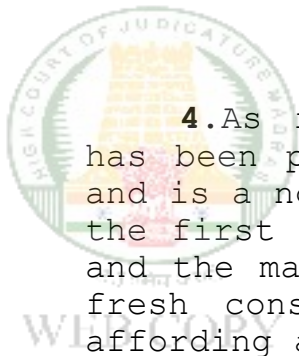
For Petitioner : Mr.N.Mohideen Basha
For Respondent No.1 : Mr.B.Saravanan
Standing Counsel
For Respondents 2 to 6 : Mr.M.Lingadurai
Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the order dated 10.01.2022 passed by the first respondent under the Right to Information Act, 2005 [hereinafter referred to as 'the Act'].

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and on the ground that the impugned order is a non-speaking order. According to him, he was not at all heard by the first respondent before passing the impugned order. It is also the contention of the petitioner that the impugned order has not been served till date on the petitioner. The information sought for by the petitioner relates to the dates on which the resolutions were received in the office of the District Collector. According to the petitioner, till date the information sought for has not been furnished to him. Having not been afforded an opportunity of hearing, it is the contention of the petitioner that by violating the principles of natural justice, by a cryptic order as if the petitioner was enquired over telephone, the impugned order came to be passed.

3.Learned Counsel for the petitioner also drew the attention of this Court to the impugned order. As seen from the impugned order, no reasons have been given with regard to the information sought for by the petitioner. It is an order passed under Section 19 of the Act which is a second appeal. The petitioner seeks for information with regard to the dates on which the resolutions were received in the office of the District Collector. In the impugned order, the reasons for not furnishing the said information have not been given excepting for stating that the petitioner was contacted over phone and the reasons for rejection of the petitioner's request for getting the dates on which the resolutions were received in the office of the District Collector have not been given.



4.As rightly contended by the petitioner, the impugned order has been passed in violation of the principles of natural justice and is a non-speaking order. Therefore, the impugned order passed by the first respondent dated 10.01.2022 has to be necessarily quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

5.In the result, the impugned order dated 10.01.2022 passed by the first respondent under Section 19 of the Act is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner. The first respondent shall pass final orders within a period of three [3] months from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

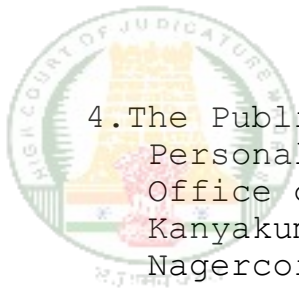
NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy,shall be the responsibility of the advocate/litigant concerned.*

To

1.The State Information Commissioner,
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No.19, Government Farm Village,
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Nandhanam,
Chennai - 600 035.

2.The Appellate Authority / District Revenue Officer,
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3.The Appellate Authority / Assistant Director of Town Panchayat,
Office of Assistant Director of Town Panchayat,
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Kanyakumari District.



4.The Public Information Officer /
Personal Assistant to District Collector,
Office of District Collector,
Kanyakumari District,
Nagercoil.

5.The Public Information Officer /
Assistant Director of Town Panchayat,
Office of Assistant Director of Town Panchayat,
Collectorate,
Nagercoil,
Kanyakumari District.

6.The Public Information Officer / Executive Officer,
Kaliakavilai Town Panchayat,
Kaliakavilai,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-12957[F] dated 18/03/2022)

ORDER MADE IN
W.P.[MD]No.4686 of 2022
17.03.2022

MR
MS/24.03.2022/4P.8C