



W.P(MD)No.3475 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3475 of 2015

D.Durai Singam

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam,
Chennai.

2.The Commissioner,
Tamil Nadu State Information Commission,
Tamil Nadu,
Thenampettai,
Chennai-18.

3.The General Manager,
Public Information Officer,
Thiruvavaduthurai Adhinam,
Thiruvavaduthurai,
Kutralam Taluk,
Nagapattinam District.

4.The Manager,
Thanakonniappa Mudaliar Kattalai,
72, Thanappa Mudali Street,
Madurai.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's Second Appeal, dated 12.01.2015, pending before the second respondent within a period specified by this Court.

For Petitioner : M/s.Babu Rajendran

For R-1 : M/s.P.Subbaraj
Special Government Pleader

For R-2 : M/s.K.K.Senthil

For R-3 & R-4 : M/s.S.Manohar

ORDER

The present Writ Petition has been filed challenging a Writ of Mandamus, directing the State Information Commission to dispose of the second appeal presented by the writ petitioner. The writ petitioner has sought for certain information from the third respondent Mutt, relating to the services rendered by the fourth respondent, who is the Manager of the said Mutt. A perusal of the application indicates that the application under the Right to Information Act has not been filed by an individual but by an Advocate on behalf of his client.



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2. The said request was not responded by the Public Information Officer. Since the information was not furnished, the petitioner had directly approached the Information Commission. The Information Commission by an order, dated 01.10.2013, has rejected the appeal, on the ground that the information seeker has to first approach the first Appellate Authority. Without challenging the said order of the State Information Commission, the present writ petition has been filed seeking a Writ of Mandamus, directing the State Information Commission to dispose of the second appeal.

3. The learned Counsel appearing for the third respondent brought to the notice of the Court, a judgment of the learned Single Judge of this Court, dated 01.10.2021, in a batch of writ petitions in W.P(MD)Nos. 16567 of 2010 and others, wherein this Court has laid a law that only with regard to the secular aspects, a Mutt could be directed to furnish information under the RTI Act.

4. A perusal of the application under the RTI Act will clearly indicate, that it has not filed by an individual but through a Counsel on



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behalf of his party. As per Section 6 of the RTI Act, the information seeker should file an application directly to the Public Information Officer and the same cannot be done through an Advocate. Hence, the very application presented by the writ petitioner seeking information is not maintainable under the RTI Act. That apart, without challenging the order passed by the second respondent Information Commission, the present writ petition seeking a Writ of Mandamus, directing the Commission to dispose of the second appeal is not maintainable. The Information Commission has specifically returned the appeal and hence, a Mandamus cannot be issued to the Commission to dispose of the second appeal, which has already been returned by them on the ground of maintainability.

5. In view of the above said facts, the writ petition is not maintainable. The writ petition stands dismissed, with the above said observations. There shall be no order as to costs.

28.10.2022



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Index : Yes / No
Internet : Yes / No
btr

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