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W.P.Nos.1391, 1393, 1398 and 1403 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.1391, 1393, 1398 and 1403 of 2019 and
W.M.P. Nos.1551, 1553, 1559 and 1562 of 2019

Prabakaran Reguna Sukumar ... Petitioner in all cases

-Vs-

1.Tamil Nadu Information Commission,
rep. by its Chief Information Commissioner,
No.2, Thiyagaraya Road,
Teynampet, Chennai – 600 018.

2.Lakshmi Ammal

... Respondents in W.P. Nos.
1391, 1393 and 1398 of 2019

3.Jayalakshmi Sekar

(R2 and R3 impleaded vide order dated 02.09.2020
in W.M.P. Nos.14539, 14542 and 14545 of 2020 in
W.P. Nos.1391, 1393 and 1398 of 2019 by PDAJ)

1.Tamil Nadu Information Commission,
rep. by its Chief Information Commissioner,
No.2, Thiyagaraya Road,
Teynampet,
Chennai – 600 018.

2.Additional Chief Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,



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Chennai – 600 005.

3.The Public Information Officer (under RTI Act)/

Joint Commissioner (Legal),

O/o.Additional Chief Secretary and

Commissioner of Commercial Taxes,

Chepauk, Chennai – 600 005.

4.Lakshmi Ammal

... Respondents in W.P. No.
1403 of 2019

5.Jayalakshmi Sekar

(R4 and R5 impleaded vide order dated
02.09.2020 in W.M.P. No.14550 of 2020
in W.P. No.1403 of 2019 by PDAJ)

Prayer in W.P. No.1391 of 2019: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order in S.A. No.12044/2015 dated 07.08.2018 passed by the first respondent and quash the same and consequently direct the first respondent to entertain the Review Petition dated 14.05.2018 by conducting fresh enquiry based on the documents on record and oral contentions in respect of S.A. No.12044/2015 and then pass a fresh reasoned and speaking order for the decision after hearing all the concerned parties in accordance with law, within a time frame fixed by this Court.

Prayer in W.P. No.1393 of 2019: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order in S.A. No.43151/F/2014 dated 07.08.2018 passed by the first respondent and quash the same and consequently



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direct the first respondent to entertain the Review Petition dated 19.05.2018 by conducting fresh enquiry based on the written submission, documents on record and oral contentions in respect of S.A. No.43151/F/2014 and then pass a fresh reasoned and speaking order for the decision after hearing all the concerned parties in accordance with law, within a time frame fixed by this Court.

Prayer in W.P. No.1398 of 2019: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in M.P. No.15665/2015 in S.A. No.3659/2015 dated 07.08.2018 passed by the first respondent and quash the same and consequently direct the first respondent to entertain the Review Petition dated 12.05.2018 by conducting fresh enquiry based on the written submission, documents on record and oral contentions in respect of M.P. No.15665/2015 in S.A. No.3659/2015 and then pass a fresh reasoned and speaking order for the decision after hearing all the concerned parties in accordance with law, within a time frame fixed by this Court.

Prayer in W.P. No.1403 of 2019: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in S.A. No.12604/2016 passed by the first respondent and quash the same and consequently direct the first respondent to entertain the Review Petition dated 14.05.2018 by conducting fresh enquiry based on the written submission, documents on record and oral contentions in respect of S.A. No.12604/2016 and then pass a fresh reasoned and speaking order after hearing all the concerned parties in accordance with law,



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within a time frame fixed by this Court.

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For Petitioner in all cases : Mr.K.Premkumar

For first respondent in W.P.
Nos.1391, 1393 and 1398 of
2019 and respondents 1 and 3
in W.P. No.1403 of 2019 : Mr.Niranjan Rajagopal

For second respondent in : Mr.V.Haribabu,
W.P. No.1403 of 2019 Additional Government Pleader (Tax)

For respondents 2 and 3 in
W.P. Nos.1391, 1393 and 1398
of 2019 and respondents 4 and
5 in W.P. No.1403 of 2019 : Mr.A.R.Balaji

COMMON ORDER

Challenging the impugned order passed by the first respondent, these batch of writ petitions have been filed.

2. When the matters came up for hearing, the learned counsel appearing for the petitioners submitted that as against the orders passed by the first respondent, the petitioners have filed review applications and the same has also rejected on the ground that the Information Commission have no power to review the order. However, without prejudice to the rights, this Court, without going into



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the merits of the case, permit the petitioners to file an appeal as against the order passed by the first respondent in the manner known to law.

3. In view of the limited request made by the learned counsel for the petitioners, this Court without going into the merits of the case, permit the petitioners to file an appeal before the competent authority as against the order passed by the first respondent.

4. With the above directions, these writ petitions are disposed of. The period pending before this Court shall be excluded for the purpose of limitation. No costs. Consequently, connected miscellaneous petitions are closed.

11.04.2023

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To

1. Tamil Nadu Information Commission,
rep. by its Chief Information Commissioner,
No.2, Thiyagaraya Road,
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Chennai – 600 018.



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2. Additional Chief Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai – 600 005.
3. The Public Information Officer (under RTI Act)/
Joint Commissioner (Legal),
O/o. Additional Chief Secretary and
Commissioner of Commercial Taxes,
Chepauk, Chennai – 600 005.

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