



WEB COPY



W.P. No. 1440 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1440 of 2021

and

W.M.P. No. 1613 of 2021

P.Muruganantham

... Petitioner

-VS-

1. Tamilnadu State Information Commission

Represented by the Sub Regsitrar

No.2, Thiyagaraya Salai

Teynampet, Chennai – 600 018.

2. Right to Information Officer /

the General Manager

District Industries Centre

Chennimalai Road, Erode – 638001.

3. The Public Information Officer

District Industries Centre

SIDCO Industrial Campus

Chennimalai Road, Erode – 638001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the First Respondent in connection with the impugned order in S.A. 1254/Enquiry/C/2019 dated 04.10.2019 passed by the First Respondent and quash the same and further direct the Third Respondent to produce the particulars and documents as sought in the application dated 03.11.2018.



W.P. No. 1440 of 2021

For Petitioner : Mr. Ali Hassan Khan

For Respondents : Mr. S.J.Mohamed Sathik, GA (RR2&3)
Mr. C.Vigneswaran (R1)

WEB COPY

ORDER

Heard Mr. Ali Hassan Khan, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Counsel appearing for the First Respondent and Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the Second and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by order dated 04.10.2019 in Case No. SA 1254/ Enquiry/ C/2019 in the appeal preferred by the Petitioner under Section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act' for short), had held that the required information sought from the Third Respondent had been furnished and disposed that appeal. Aggrieved thereby, the Petitioner has on 19.01.2021 filed this Writ Petition challenging the said order, apart from seeking further directions to the Third Respondent to produce the particulars and documents sought by him in his application dated 03.11.2018 under Section 6(1) of the RTI Act.



W.P. No. 1440 of 2021

3. It is brought to notice in the Counter-Affidavit dated 02.11.2021 filed by the Second and Third Respondents as follows:-

“7. *It is respectfully submitted that in the RTI application dated 03.11.2018 the petitioner had requested for certain information under the NEEDS vide file No. 22/D4/2013-14 which were furnished by the then PIO (Public Information Officer) Vide letter No. 1983/A2/2017, dated 04.12.2017. It is also submitted that the petitioner was permitted to peruse the NEEDS file 22/D4/2013-14 on 04.01.2021. As per the petitioner's request, copies of most of the pages of the above NEEDS file along with the note file were already furnished to him vide this office letter no. 81/A3/2021, dated 29.01.2021.*

8. *It is respectfully submitted that on receipt of funds from the Government, 50% of eligible subsidy of Rs.12.5 lakhs was sanctioned to M/s. Sri.Venkateswara Tippers vide this office Proceeding No.10302/D4/2013-1, dated 31.01.2014 and released as 1st installment to Tamilnadu Mercantile Bank, Tiruchengode branch vide cheque No.141632, dated:*



W.P. No. 1440 of 2021

WEB COPY

31.01.2014. The 2nd, 3rd and final intallment of subsidy totalling Rs.12.50 lakhs was sanctioned and disbursed to M/s. Sri Venkateswara Tippers in the Account No. 126430250803140 of Tamilnadu Mercantile Bank, Tiruchengode branch vide this office Proceeding No. 4995/D4/2017, dated 26.10.2017.

9. It is respectfully submitted that as per the instructions of the State Information Commission, Chennai, the requested documents were already furnished to the petitioner vide this office letter No.1509/A3/2020, dated: 23.12.2020. It is also submitted that the petitioner was permitted to peruse the NEEDS file 22/D4/2013-14 on 04.01.2021. As per the petitioner's request, copies of requested pages of the above NEEDS file along with the note file were already furnished him vide this office letter No. 81/A3/2021, dated: 29.01.2021.

10. With regard to the averments made in ground a) of the affidavit, It is submitted that the NEEDS (New Entrepreneur cum Enterprise Development Scheme) scheme is implemented



W.P. No. 1440 of 2021

WEB COPY

as per the guidelines forwarded by Government of Tamilnadu vide G.O. (Ms.) No. 49, Micro, Small and Medium Enterprises (D2) department dated 29.10.2012. The details available in the NEEDS file No. 22/D4/2013-14 were furnished to the petitioner as and when requested by him. Hence, the action taken is in order and there is neither illegal nor arbitrary and acted as per rules in force. ”

4. In view of the subsequent events, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if he still has any grievance, to work out his remedies before proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid clarifications. Consequently, connected Miscellaneous Petition is closed. No costs.

07.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024.



W.P. No. 1440 of 2021

WEB COPY

1. The Sub Registrar
Tamilnadu State Information Commission
No.2, Thiyagaraya Salai
Teynampet, Chennai – 600 018.
2. Right to Information Officer /
the General Manager
District Industries Centre
Chennimalai Road, Erode – 638001.
3. The Public Information Officer
District Industries Centre
SIDCO Industrial Campus
Chennimalai Road, Erode – 638001.



WEB COPY



W.P. No. 1440 of 2021

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 1440 of 2021

07.12.2023