



WEB COPY

W.P.No.33023 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33023 of 2013

and

M.P.No.1 of 2013

Public Information Officer,
Indian Overseas Bank,
Central Office, PB.No.3765,
763, Anna Salai, Chennai – 600 002.
rep. by Chief Manager

... Petitioner

Vs.

1.The Central Information Commission,
Rep. by Information Commission,
Club Building (Near Post Office)
Old JNU Campus, New Delhi – 110 067.

2.P.Balachandar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records from the 1st respondent dated 22.10.2013 vide Decision No.CIC/VS/A/2012/001694/05198 in Appeal No.CIC/VS/A/2012/001694 and quash the same as illegal, arbitrary, contrary to the provisions of the Right to Information Act, 2005 and its earlier order dated 13.06.2012.



For Petitioner : Mr.K.Srinivasa Murthy
For R1 : Mr.J.Madanagopal Rao
Senior Panel Counsel
For R2 : No Appearance

ORDER

The order of the 1st respondent dated 22.10.2013, directing the writ petitioner to comply with the orders permitting the 2nd respondent information seeker to inspect the Bank files is under challenge in the present writ petition.

2. Notice was served to the 2nd respondent information seeker and the case was pending for the past more than nine years. The 2nd respondent has neither appeared before this Court nor contested the case. Whether he is interested in pursuing the remedy based on the application submitted by him under the Right to Information (RTI) Act is unknown. The 2nd respondent submitted an application under the RTI Act seeking certain information and the 1st respondent / Central Information Commission directed the petitioner to permit the 2nd respondent to inspect the Bank files.



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3. On account of efflux of time and considering the fact that the 2nd respondent has not responded to the Court notice despite the fact that the writ petition is pending for the past about nine years, this Court is of the considered opinion that no further adjudication on merits needs to be undertaken. If at all the 2nd respondent is interested in knowing about the informations, he is at liberty to file a fresh application under the RTI Act in the manner contemplated.

4. With the said liberty the order impugned passed by the 1st respondent dated 22.10.2013 vide Decision No.CIC/VS/A/2012/001694/05198 in Appeal No.CIC/VS/A/2012/001694 is quashed. The 2nd respondent is at liberty to file a fresh RTI application, if he is still interested in pursuing the informations as sought for by him. In the event of filing any such application, the petitioner is also at liberty to raise their objections in the manner known to law.



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5. With this liberty, this Writ Petition stands allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

The Information Commissioner,
The Central Information Commission,
Club Building (Near Post Office)
Old JNU Campus, New Delhi – 110 067.



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S.M.SUBRAMANIAM, J.

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