



W.P.No.9707 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.9707 of 2023

S.N.Thangavel

... Petitioner

Vs.

1.The Tamil Nadu Information Commission,
Rep. by its Registrar,
No.19, Government Farm,
Phernpet, Nandhanam,
Chennai – 600 035.

2.R.T.I. Appellate Authority,
The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Soorampatti Four Roads,
Erode – 638 009.

3.Public Information Officer,
The Deputy Registrar of Co-operative Societies,
Gobichettipalayam – 638 452.

4.A.A.246, Gobi Nallur Primary Agricultural Credit Society,
Rep. by its Secretary,
Nallur, Sathyamangalam Taluk,
Erode District.

... Respondents



W.P.No.9707 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the representation given by the petitioner on 12.01.2023 and punish the respondents 3 & 4 for not furnishing the information, by awarding a penalty under Section 20 of the Right to Information Act, 2005 apart from recommending disciplinary action against them for the dereliction of duty.

For Petitioner : Mr.K.Soundara Rajan

For Respondents : Mr.C.Vigneshwaran[R1]
Mr.E.Veda Bagath Singh
Special Government Pleader
[R2 & R3]
Mr.P.Harish
Government Advocate [R4]

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, to direct the first respondent to consider the representation given by the petitioner on 12.01.2023 and punish the respondents 3 and 4 for not furnishing the information, by awarding a penalty under Section 20 of the Right to Information Act, 2005 apart from recommending disciplinary action against them for the dereliction of duty.



W.P.No.9707 of 2023

WEB COPY

2. The case of the petitioner is that the first respondent has passed an order dated 20.12.2022 in favour of the petitioner. However, the said order has not been sent to the petitioner and the same has also not been implemented. Hence, the petitioner has sent a representation to the first respondent on 12.01.2023 and the same was not considered. Therefore, the above writ petition has been filed before this Court for appropriate directions.

3. The learned counsel for the petitioner submits that this Court may issue a direction to the first respondent to consider the petitioner's representation dated 12.01.2023 and pass appropriate orders within a time frame that may be stipulated by this Court.

4. The learned counsel appearing for the first respondent has produced a copy of the order passed by the first respondent dated 20.12.2022 before this Court and submitted that the same was also sent to the petitioner in the year 2023. Hence, he submits that nothing survives for adjudication in this writ petition.



W.P.No.9707 of 2023

WEB COPY

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is not an Execution Court for executing the order passing by the first respondent-Information Commission and there is a remedy available before the first respondent. Instead of approaching the first respondent, the petitioner has filed this writ petition, which is not sustainable. Hence, the writ petition is liable to be dismissed.

7. Accordingly, the writ petition is dismissed with a liberty to the petitioner to approach the first respondent for appropriate remedy. No Costs.

30.03.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp



W.P.No.9707 of 2023

WEB COPY

- To
- 1.The Registrar,
Tamil Nadu Information Commission,
No.19, Government Farm,
Phernpet, Nandhanam,
Chennai – 600 035.
 - 2.The R.T.I. Appellate Authority,
The Joint Registrar of Co-operative Societies,
Office of the Joint Registrar of Co-operative Societies,
Soorampatti Four Roads,
Erode – 638 009.
 - 3.The Public Information Officer,
The Deputy Registrar of Co-operative Societies,
Gobichettypalayam – 638 452.
 - 4.The Secretary,
A.A.246, Gobi Nallur Primary Agricultural Credit Society,
Nallur, Sathyamangalam Taluk,
Erode District.



WEB COPY



W.P.No.9707 of 2023

M.DHANDAPANI, J.

sp

W.P.No.9707 of 2023

30.03.2023



WEB COPY



W.P.No.9707 of 2023

W.P.No.9707 of 2023

M.DHANDAPANI,J.,

Today, the matter is listed under the caption “for being mentioned” at the instances of the learned counsel for the petitioner.

2. On perusal of the order dated 30.03.2023, this Court is of the view that **no further clarification is required.**

03.04.2023

sp