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W.P. No. 13201 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

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

W.P. No. 13201 of 2021

M.Sivasamy

... Petitioner

-VS-

1. The State Information Commissioner,
Tamil Nadu State Information Office,
No. 2, Thyagarayar Nagar Salai,
Opp. Alaiamman Temple,
Eldams Road Junction,
Teynampet,
Chennai – 600 019.

2. The Public Information Officer,
No. 4, Veerapandi Town Panchayat,
Coimbatore – 641 019.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to furnish the documents sought for by the Petitioner in his letter dated 12.02.2020 to furnish the copies of local body election nomination papers and the affidavit of Thiru. K.V.N.Jayaraman, Chairman, Veerapandi Town Panchayat for the years 2001, 2006 and 2011.

For Petitioner : Mr. M.Krishnamoorthy

For Respondents : Mr. C.Vigneswaran (for R1)

Mr. M.Alagu Gowtham,



W.P. No. 13201 of 2021

Respondents to furnish the information sought by him.

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3. Though it is true that it was difficult to conduct regular hearings of cases before the First Respondent in view of the COVID pandemic during the relevant period, the manner in which the case has been closed by merely stating that the Petitioner could not be contacted over telephone cannot be accepted, and that too, without any documentary evidence of compliance from the Second Respondent in that regard.

4. In that view of the matter, it is not possible to sustain the impugned order, which is set aside and the matter is remitted to be decided afresh by the First Respondent, who shall list the aforesaid Second Appeal on 05.06.2024, and the Petitioner and the Second Respondent shall appear for that hearing without fail. If the First Respondent is not in a position to take up the matter for hearing on that date, it shall inform to all parties concerned of the date of hearing to which it is adjourned in the prescribed manner. It shall be incumbent upon the First Respondent to afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to them



W.P. No. 13201 of 2021

under written acknowledgment. Though obvious, it is clarified that no view has been expressed by this Court on the merits of the controversy involved.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

15.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.

vjt

To

1. The State Information Commissioner,
Tamil Nadu State Information Office,
No. 2, Thyagarayar Nagar Salai,
Opp. Alaiamman Temple,
Eldams Road Junction,
Teynampet,
Chennai – 600 019.

2. The Public Information Officer,
No. 4, Veerapandi Town Panchayat,
Coimbatore – 641 019.

Copy to

M.Sivasamy,
S/o. Marudasalam,
No. 225, Kamarajar Street,
No. 4, Veerapandi,
Coimbatore – 641 019.



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P.D. AUDIKESAVALU, J.

vjt

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