



WEB COPY

WP No.41149 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-03-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.41149 of 2016

And

WPMP No.35145 of 2016

The Principal cum Public Information Officer,
Loyola College (Autonomous),
Sterling Road,
Nungambakkam,
Chennai-600034.

... Petitioner

Vs.

1.The State Chief Information Commissioner,
Tamil Nadu Information Commission,
Represented by its Assistant Registrar,
No.2, Theagaraya Road,
Teynampet,
Chennai-600 018.

2.The Joint Director of Collegiate Education,
Chennai Region,
577, Anna Salai,
Saidapet,
Chennai-600 015.



3.M/s.Rights Awareness Organisation,
Represented by its Founder S.Zakir Hussain,
No.30, Alsamall Complex,
First Floor, No.4, Montieth Road,
Egmore,
Chennai-600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the first respondent-Commission vide case No.SA 9384/D/2016 dated 08.10.2016 (as signed), quash the same. [Prayer amended vide order of Court dated 10.11.2022 made in WPMP N.29262 of 2022 in WP No.41149 of 2016]

For Petitioner	: Mr.P.Godson Swaminath
For Respondent-1	: Mr.Niranjan Rajagopalan for M/s.G.R.Associates.
For Respondent-2	: Mr.S.Ravichandran, Additional Government Pleader.
For Respondent-3	: Mr.G.Mohanakrishnan



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ORDER

The order dated 08.10.2016 passed by the first respondent-Tamil Nadu Information Commission, is under challenge in the present writ petition.

2. The petitioner is the Principal cum Public Information Officer, Loyola College (Autonomous), Sterling Road, Nungambakkam, Chennai-600034, filed the present writ petition mainly on the ground that the Tamil Nadu Information Commission had passed the impugned order dated 08.10.2016, which is directly in violation of the procedures contemplated under the Right to Information Act, 2005.

3. The learned counsel for the petitioner mainly contended that no opportunity was granted to the writ petitioner to defend their case in the manner contemplated under the provisions of the Right to Information Act, 2005.



4. The petitioner was deprived of submitting their defence on the issues and thus the unilateral decision taken by the Tamil Nadu Information Commission, is in violation of the principles of natural justice.

5. The learned counsel appearing on behalf of the Tamil Nadu Information Commission is unable to establish that an opportunity was afforded to the writ petitioner and therefore, the learned counsel appearing on behalf of the Tamil Nadu Information Commission fairly made a submission that the matter is to be remanded back for fresh adjudication.

6. In view of the said submission made by the learned counsel appearing on behalf of the Tamil Nadu Information Commission, the order impugned passed by the Tamil Nadu Information Commission in proceedings No. No.SA 9384/D/2016 dated 08.10.2016 (as signed) is quashed and the matter is remanded back to the first respondent-Tamil Nadu Information Commission for fresh adjudication by following the procedures as contemplated and by affording an opportunity to all the parties. The petitioner is entitled to raise all the grounds raised in the present writ



petition, including the maintainability point.

7. Accordingly, the present writ petition stands allowed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

31-03-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

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State Chief Information Commissioner,
Tamil Nadu Information Commission,
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- 2.The Joint Director of Collegiate Education,
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S.M.SUBRAMANIAM, J.

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