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Writ Petition No.27004 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.27004 of 2023

Mr.Arumugam

...Petitioner

vs.

1.The State rep.by
the Inspector of Police,
D1 Thiruthani Police
Station, Thiruvallur District.

2.Mr.M.Mano Kumar

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the 1st respondent pertaining to the impugned summon dated 18.8.2023 and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondent-1 : Mr.A.Damodaran, APP

ORDER

This writ petition has been filed challenging the summon issued by the 1st respondent dated 18.08.2023.



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2. Heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

3. The 2nd respondent made an application under the Right to Information Act seeking for some information from the 1st respondent. On receipt of the application, the 1st respondent has issued summons to the petitioner to attend for an enquiry along with all the relevant documents. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The very basis on which the summons has been issued by the 1st respondent is illegal. The 2nd respondent had sought for an information under the RTI Act. Either the 1st respondent has to furnish the information or refuse/reject the application. If the information sought for is a private information concerning an individual, the Act itself bars furnishing such information. Useful reference can be made to



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Section 8(J) of the RTI Act in this regard. Therefore, the 1st respondent cannot issue summons to the petitioner to appear for an enquiry based on an application received from the 2nd respondent under the RTI Act.

5. In the light of the above discussion, the summon dated 18.08.2023 issued by the 1st respondent is hereby quashed and this writ petition stands allowed. No costs.

14.09.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No

To

1.The Sub-Inspector of Police,
D1 Thiruthani Police Station,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

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