



W.P. No. 34612 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

W.P. No. 34612 of 2023

Loganathan

... Petitioner

-VS-

1. Tamil Nadu Information Commission,
Represented by its Registrar,
Block No. 19, Government Farm Village,
Fanepet,
Nandanam,
Chennai – 600 035.

2. The Appellate Authority/Principal Secretary to the Government,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

3. The Public Information Officer/Section Officer,
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to dispose of the Second Appeal in S.A. No. 11865/E/2022 (received by the First Respondent on 04.07.2022) under Section 19(3) of the Right to Information Act, 2005, filed by the Petitioner against the order passed by the Third



W.P. No. 34612 of 2023

Respondent in Letter No. 9000/Z1/2022-1 dated 07.04.2022 which was confirmed by the Second Respondent in Letter No. 15647/Z1/2022-1 dated 24.05.2022.

For Petitioner : Mr. V.Elangovan

For Respondents : Mr. C.Vigneswaran,
Standing Counsel (for R1)

Mr. S.J.Mohamed Sathik,
Government Advocate (for R2 & R3)

ORDER

Heard Mr. V.Elangovan, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Standing Counsel, who takes notice for the First Respondent, and Mr. S.J.Mohamed Sathik, Learned Government Advocate, who takes notice for the Second and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First Respondent to dispose the Second Appeal in S.A. No. 11865/E/2022 filed by the Petitioner under Section 19(3) of the Right to Information Act, 2005, against the Order in Letter No. 9000/Z1/2022-1 dated 07.04.2022 passed by the Third Respondent, which was confirmed by Order in Letter No. 15647/Z1/2022-1 dated 24.05.2022 passed by the Second Respondent.



W.P. No. 34612 of 2023

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3. Learned Standing Counsel appearing for the First Respondent, on instructions, states that the aforesaid Second Appeal filed by the Petitioner would be listed for hearing as per the chronological sequence of filing in due course. The said submission is placed on record.

4. Having regard to the limited nature of relief sought in the Writ Petition, the Second Appeal in S.A. No. 11865/E/2022 shall be listed before the First Respondent on 13.03.2024. The Petitioner and other concerned persons 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 under written acknowledgment.



W.P. No. 34612 of 2023

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

costs.

21.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 07.02.2024.

vjt

To

1. The Registrar,
Tamil Nadu Information Commission,
Block No. 19, Government Farm Village,
Fanepet,
Nandanam,
Chennai – 600 035.
2. The Appellate Authority/Principal Secretary to the Government,
Health and Family Welfare Department,
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W.P. No. 34612 of 2023

P.D. AUDIKESAVALU, J.

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W.P. No. 34612 of 2023

21.12.2023