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W.P.(MD)NO.4998 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4998 of 2022

A.T.Gnanaraj

... Petitioner

Vs.

State Information Commissioner,
Tamil Nadu Information Commission,
At present Government Farm Village,
Nanthanam, Chennai – 35.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the respondent in G.No.65798/D/2021 dated 10.02.2022 and quash the same as illegal and consequently direct the respondent to take on file the petitioner's complaint dated 09.10.2021 and dispose of the same in accordance with law within a time frame as fixed by this Court.

For Petitioner : Mr.S.Sukumar

For Respondent : Mr.Raguvaran Gopalan,
Standing Counsel.

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ORDER

Heard the learned counsel on either side.

2. The petitioner filed second appeal before the respondent Commission. Though the second appeal was disposed of in favour of the writ petitioner, the petitioner could not enjoy the fruits of the order. He therefore filed review before the Commission. The review petition must have been filed within one year. But the petitioner filed the review petition with a delay of one month. The respondent rejected the petitioner's review petition as belated. Challenging the same, the present writ petition has been filed.

3. It is seen that the second appeal was disposed of on 22.11.2019. The review was filed on 09.10.2021. The review petition had to be filed in view of the rejection order passed by the Municipality on 25.09.2020. I take judicial notice of the fact that there was pandemic situation in March 2020 and there were lock down restrictions in force for several months. The Hon'ble Apex Court had passed a general order extending



limitation. Therefore, the limitation could not have been put as a ground against the petitioner.

4. The order impugned in this writ petition is set aside. This writ petition stands allowed. The respondent is directed to take the petitioner's review petition on file and dispose the same on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs.

02.01.2023

Index : Yes / No
Internet : Yes/ No

PMU

To:

The State Information Commissioner,
Tamil Nadu Information Commission,
At present Government Farm Village,
Nanthanam, Chennai – 35.



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G.R.SWAMINATHAN,J.

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