



W.P.(MD)No.6015 of 2016

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :15.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.(MD)No.6015 of 2016

and

W.M.P.(MD).Nos.5320 & 5321 of 2016

The Headmaster,  
Carmel Higher Secondary School,  
Nagercoil 629 004,  
kanyakumari Dstrict.

... Petitioner

Vs.

1.The State Information Commissioner,  
Tamilnadu Information Commission,  
No.2, Theagaraya Salai,  
Near Aalai Amman Koil,  
Teynampet, Chennai 600 018.

2.S.Jeyaraj

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the first respondent Information Commissioner in Case No.4426/enquiry/D/2015 dated 25.01.2016 (*signed on 16.02.2016*),quash the same.



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For Petitioner :Mr.Mohamed Ashik Jamal  
For Respondents :Mr.K.K.Senthil for R1  
:Mr.S.C.Herold Singh for R2

### **ORDER**

The petitioner assails the order dated 25.01.2016 of the first respondent by which the petitioner was called upon to show cause as to why action should not be taken against the petitioner under the relevant provisions of the Right to Information Act, 2005 (the RTI Act)

2. A request for information was submitted by the second respondent to the petitioner on 17.10.2014. In response thereto, on 13.11.2014, the petitioner informed the second respondent that the information relates to activities/events that took place more than 20 years ago. In addition, the information relates to third parties. By citing these two reasons, the information was not provided. The second respondent carried the matter in appeal. By communication dated 18.01.2016, the petitioner provided reasons for inability to appear before the first respondent on the scheduled date of hearing. Upon finding that the said explanation was not



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satisfactory, the impugned order was issued directing the petitioner to show cause as to why action should not be taken against the petitioner under the provisions cited therein.

3. Learned counsel for the petitioner submits that the petitioner is not under an obligation to provide the information requested for by the second respondent as per the RTI Act. He also submits that cogent reasons were specified for the inability to appear at the hearing before the first respondent. Therefore, he submits that the impugned order calls for interference.

4. Both learned counsel for the first respondent and learned counsel for the second respondent submitted that no decision has been taken on merits as on date. They further state that the petitioner was only called upon to show cause.

5. The reasons specified by the petitioner for inability to appear at the hearing scheduled on 25.01.2016 no longer hold good as on date.



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Therefore, the petitioner is in a position to appear at a hearing scheduled by the first respondent. It is just and necessary that the first respondent should adjudicate the matters on merits after providing a reasonable opportunity to the petitioner and the second respondent.

6. Accordingly, W.P.(MD).No.6015 of 2016 is disposed of by quashing the order dated 25.01.2016 and directing the first respondent to conduct an enquiry in relation to the appeal presented by the second respondent by providing a reasonable opportunity to the petitioner and the second respondent. The first respondent is further directed to consider the contentions of the petitioner and second respondent and issue a reasoned order upon conclusion of such enquiry. The said exercise shall be concluded within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, W.M.P.(MD).Nos. 5320 & 5321 of 2016 are closed.

**15.03.2023**

NCC :Yes/No  
Internet :Yes/No  
Index :Yes/No  
*sbm*

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To

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**SENTHILKUMAR RAMAMOORTHY, J.**

*sbn*

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