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W.P. No. 3784 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

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

W.P. No. 3784 of 2024

M.Loganathan

... Petitioner

-vs-

1. Tamil Nadu Information Commission,
Block No. 19, Government Farm Village,
Pernpet,
Nandanam,
Chennai – 600 035.

2. The Appellant Authority cum
Additional Director General of Police (Administration),
Office of Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

3. The Public Information Officer cum
Director General of Police (Establishment),
Office of Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second and Third Respondents to provide the information sought by the Petitioner as directed by the First Respondent within the time frame fixed by this Court.

For Petitioner : Mr. R.Sureshkumar,
for M/s. K.M.Vijayan Associates



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

Mr. J.Subbiah,
Government Advocate (Criminal Side)
(for R2 & R3)

ORDER

Heard Mr. R.Sureshkumar, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Standing Counsel, who takes notice for the First Respondent, and Mr. J.Subbiah, Learned Government Advocate (Criminal Side), who takes notice for the Second and Third Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that the First Respondent in the order dated 30.05.2022 in the Second Appeal in Case No. SA 8364/SCIC/2022 filed by the Petitioner under Section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the 'RTI Act' for short) had directed the Third Respondent to furnish certain information to the Petitioner.

3. The grievance sought to be ventilated by the Petitioner in this Writ Petition is that the information has not yet been furnished by the Third



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Respondent to the Petitioner despite the aforesaid order passed by the First Respondent.

4. Inasmuch as the scheme devised in Section 20 of the RTI Act requires the First Respondent to ensure that its orders are carried out within a specified time limit and then posted for reporting compliance, which exercise has not taken place, the First Respondent shall list the aforesaid Second Appeal on 05.06.2024, and the Petitioner and the Second and Third Respondents 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.

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



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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.

vjt

To

1. The State Information Commissioner,
Tamil Nadu Information Commission,
Block No. 19, Government Farm Village,
Pernpet,
Nandanam,
Chennai – 600 035.
2. The Appellate Authority cum
Additional Director General of Police (Administration),
Office of Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.
3. The Public Information Officer cum
Director General of Police (Establishment),
Office of Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.



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Copy to

M.Loganathan,
Advocate,
S/o. R.Murugesan,
Having office at Thalaivasal Complex, 3rd Floor,
525, Cross-Cut Road,
Coimbatore – 641 012.



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P.D. AUDIKESAVALU, J.

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