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W.P. No. 15461 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

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

W.P. No. 15461 of 2022

E. Mahadevi

... Petitioner

-VS-

1. The District Collector,
Chengalpet,
Chengalpet District.

2. The Commissioner,
Chengalpet Municipality,
Chengalpet.

3. The Manager cum Public Information Officer,
Chengalpet Municipality,
Chengalpet.

4. Thilagavathy

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari calling for the records relating to the impugned orders passed by the 3rd respondent vide letter No. Na.Ka.No.406/2022/D2 dated 16.03.2022 and 2nd respondent vide letter No. Na.Ka.No.562/2022/D2 dated 28.04.2022 respectively and quash the same.



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For Petitioner : Mr. S.Udayakumar
For Respondents : Mr. B.Vijay (for R1 to R3)
Additional Government Pleader
Ms. S.Sujatha (for R4)

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ORDER

Heard Mr. S.Udayakumar, Learned Counsel for the Petitioner, Mr. B.Vijay, Learned Additional Government Pleader appearing for the First to Third Respondents and Ms. S.Sujatha, Learned Counsel appearing for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has made an application dated 04.03.2022 seeking certain information under the Right to Information Act, 2005 (hereinafter referred to as 'the Act' for short) and the Third Respondent by Order in Na. Ka. No. 406/2022/D2 dated 16.03.2022 informed him that the said information relates to personal information exempted under 8(1)(j) of the under the Act. The Petitioner has preferred appeal dated 29.03.2022 under Section 19(1) of the Act and the Second Respondent by Order in Na. Ka. No. 562/2022/D2 dated 28.04.2022 confirmed the said order passed by the Third Respondent. The said orders are assailed in this Writ Petition.



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3. When it was pointed out that the Petitioner has an effective alternative remedy of filing second appeal under Section 19(2) of the Act, before the Tamil Nadu State Information Commission, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to resort to the aforesaid procedure and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 16.06.2022, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. No costs.

10.01.2024

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 04.04.2024.

(ii) Registry is directed to return the impugned orders under written acknowledgment after retaining a copy of the same for record.

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To

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Chengalpet District.
2. The Commissioner,
Chengalpet Municipality,
Chengalpet.
3. The Manager cum Public Information Officer,
Chengalpet Municipality,
Chengalpet.



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P.D. AUDIKESAVALU, J.

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