



W.P(MD)No.9758 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9758 of 2020

and

W.M.P.(MD)No.8764 of 2020

The Public Information Office Cum Manager,
Nagercoil City Municipal Corporation,
Nagercoil, Kanyakumari District.

... Petitioner

Vs.

1.The Tamil Nadu Information Commission,
Represented by State Information Commissioner,
No.2, Thiagarajar Salai, Near Alayamman Kovil,
Eldams Road Junction, Teynampet,
Chennai – 600 018.

2.V.Rayappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 1st respondent in S.A.No.8769/D/2018 dated 20-01-2020, quash the same.

For Petitioner : Mr.P.Athimoolapandian

For Respondents : Mr.K.K.Senthil for R1.
Mr.M.Dennis Joe for R2.



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W.P(MD)No.9758 of 2020

ORDER

Heard both sides.

2.The petitioner submitted an application under Right to Information Act seeking information for six queries. The Public Information Officer of Nagercoil Municipality offered his response. Not satisfied with the same, the second respondent herein filed appeal before the appellate authority. Before the appellate authority also, Nagercoil Municipality entered appearance and offered their response. The first appellate authority closed the appeal filed by the second respondent herein. Questioning the same, second respondent herein filed second appeal before the Tamil Nadu Information Commission. On 20.01.2020, the Commission called upon the writ petitioner / municipality to give the information in respect of query Nos.4, 5 and 6 raised by the second respondent herein. Challenging the same, the present writ petition came to be filed.

3.The order impugned in this writ petition was passed by the Information Commission without notice to Nagercoil municipality. On this sole ground of



W.P(MD)No.9758 of 2020

violation of principles of natural justice, the impugned order is set aside. It is stated that municipality has since paid the cost of Rs.1,000/- to the second respondent herein. The said amount shall not be recovered.

4.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.9758 of 2020

G.R.SWAMINATHAN, J.

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W.P(MD)No.9758 of 2020

02.01.2024