



W.P.(MD) No.17395 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.17395 of 2018

P.Selva Dhas

... Petitioner

/vs./

- 1.The Airport Director & Public Information Officer,
Airport Authority of India,
Trivendrum International Airport,
Trivendrum 695 008.
- 2.The Public Information Officer/
The Officer incharge/PRO,
Immigrations Department,
Trivendrum International Airport,
Trivendrum 695 008.
- 3.The Joint Deputy Director & CPIO,
Intelligent Bureau,
(Ministry of Home Affairs),
Government of India,
New Delhi.
- 4.The Deputy Director & Appellate Authority,
Intelligent Bureau,
Level 5, East Block 8,



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K.K.Puram,
New Delhi 110 066.

5.The Commissioner,
Central Information Commission,
Old JNU Campus,
Block IV, 5th Floor,
New Delhi 110 067.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 5th respondent dated 23.03.2018 vide letter No. F.No. CIC/INBRU/A/2017/114548, F.No. CIC/INBRU/A/2017/139237 and quash the same and consequently direct the respondents 1 and 2 to furnish the information to the petitioner considering the Second Appeal dated 27.02.2017.

For Petitioner : Mr.M.R.Sreenivasan

For R1 : Mr.C.Godwin

For R2 to R5 : Mr.S.Jeyasingh

ORDER

Aggrieved by the order passed by the fifth respondent, the petitioner is before this Court seeking Certiorarified Mandamus to quash the same and to direct the respondents 1 and 2 to furnish the information to the petitioner.



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2. The brief facts are as follows:-

2.1. The petitioner's daughter was married to one Suyambu Lingam and within 3 months from the marriage, his son-in-law had left for Australia, where he was employed, but however did not take the petitioner's daughter along with him. It appears that thereafter his daughter had gone to Australia on a spouse visa, where she was subject to harassment by her husband. On her complaint, the petitioner had brought back his daughter from Australia and a criminal complaint had been instituted against her husband and in laws and it appears that his son-in-law had filed a petition for divorce without even coming to India. Therefore, the petitioner moved an application before the first respondent seeking travel details of the petitioner's son-in-law. The said evidence is sought to be got only to buttress the case of the petitioner's daughter that the son-in-law had not come to India and that the petition was filed by some one else impersonating him. Since these details had not been given, the petitioner is aggrieved and is before this Court.

3. Heard the learned counsel on either side.



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4. This Court is at loss to understand as to why the jurisdiction of this Court has to be invoked for collecting evidence. It is well open to the petitioner to call for the records, namely the Passport and another details from his son-in-law instead of filing this writ petition under the RTI Act. It appears to be more in the form of an harassment. It is also noticed that the criminal proceedings are also pending. The details that are now sought for under the RTI Act can be very well got in any of these proceedings.

5. Considering the same, the Writ Petition is without any basis and deserves to be rejected and is accordingly dismissed. It is well open to the petitioner to call for the documents from the respondents at the time of trial in the divorce petition. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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P.T.ASHA, J.

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