



WEB COPY

WP No. 26937 of 2012



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 26937 of 2012

and

M.P.Nos.1 & 2 of 2012

1. P.Jayashankar

Sub Inspector Of Police,

Anakkavoor Police Station,

Residing At No.6/11, East Mada Street,

Thiruvattipuram, Cheiyyar,

Tiruvannamalai District.

Petitioner(s)

Vs

1. The Tamilnadu State Information Commission,
Rep. By Its Registrar,
No.2, Thyagaraja Road, Teynampet, Chennai-18.

2. Director General of Police
O/o. Director General of Police,
Mylapore, Chennai-4.



3. Additional Director General of Police,
Vigilance And Anti-corruption, Adyar, Chennai-28.

4. The Information Officer
Governors Secretariat,
Raj Bhavan, Chennai-22.

5. K.S. Sripathy
Tamilnadu State Chief Information Commissioner,
State Information Commission,
Chennai-18 (Teynampet)

Respondent(s)

PRAYER

This writ petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorari mandamus to Call for the records relating to the order passed by the 1st respondent herein in Case No.10563/Enquiry/2012 dated 24.05.2012, quash the same and further direct the 1st respondent herein to reconsider petitioner's appeal dated 2.3.2012.

For Petitioner(s): Mr.E.Sathiyaraj

For Respondent(s): Mrs.C.Meera Arumugam, AGP
for R2 To R4

Mr.Niranjan Rajagopalan,
for M/s.G.R.Associates
for R1 and R5

**ORDER**

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This writ petition is filed for issuing a writ of certiorarified mandamus to quash the order passed by the first respondent dated 24.05.2012 and consequently direct the first respondent to reconsider the petitioner's appeal dated 02.03.2012.

2. The petitioner filed an application seeking certain information under Section 6 of the Right to Information Act 2005, on 02.09.2011. To the petitioner's application, the public information officer sent a reply on 01.10.2011, stating that the request of the petitioner could not be acceded. The petitioner therefore preferred an appeal on 14.11.2011, under Section 19 of the RTI Act, to the First Grade Public Officer. The appellate authority vide order dated 05.12.2011, rejected the appeal stating that the reply given by the Public Information Officer, Governor's Secretariat vide his letter No.139/RTI/2011 dated 01.10.2011, was in order. Against the said orders, the petitioner again preferred an appeal under Section 19(1) of the RTI Act, on 02.01.2012. The Appellate Authority in the said appeal vide order dated 09.01.2012, directed the



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petitioner to prefer a second appeal before the State Information Commission, under Section 19(3) of the Act. The petitioner thereafter filed a second appeal on 02.03.2012. In the second appeal, the first respondent by the impugned order while rejecting the petitioner's second appeal recorded that the petitioner had abused the process of law and therefore, the commission would thereafter not entertain any application of the petitioner. Aggrieved by the said order dated 02.03.2012, the petitioner has filed the above writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that the impugned order was in contravention of the principles of natural justice as no opportunity of hearing was afforded to the petitioner before passing the same. The learned counsel, therefore, prayed that the writ petition be allowed. The learned counsel for the petitioner, in support of his submission, relied on the order passed by this Court in W.P.No.16241 of 2013 dated 24.03.2023.



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4. The learned counsel for the 4th respondent submitted that there were no allegations levelled against the 4th respondent and hence, he may be deleted from the array of parties in the writ petition.

5. The learned counsel for the other respondents submitted that notice was issued to the petitioner for enquiry, but the petitioner failed to avail the opportunity. Hence, the writ petition lacks merit.

6. I have heard the submissions made on either side and perused the materials available on record carefully.

7. In the impugned order, it is clearly stated that the petitioner was in the habit of filing repeated applications under the RTI Act, and was abusing the process of law. The respondents, after dealing with the various applications filed by the petitioner, who was allegedly abusing the right conferred under the Act, stated that the future applications of the petitioner should not be entertained.



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8. From the materials placed on record, I am not able to ascertain, if, any notice was in fact sent to the petitioner. The petitioner states that no notice was issued by the respondents, and therefore, he did not appear for enquiry. In the absence of proof of service of notice of enquiry to the petitioner, it is presumed that the petitioner was not issued notice.

9. In my considered view upon receipt of an application from the petitioner under the Act, the respondents were bound to afford an opportunity to the petitioner to put forth his submissions and denial of such opportunity certainly violates the principles of natural justice. I am therefore of the view that the impugned order cannot be sustained and hence, it is liable to be set aside. Accordingly, the matter is remitted to the first respondent, for fresh consideration. It is needless to state that the first respondent shall issue notice of hearing to the petitioner, give an opportunity of hearing to him and thereafter pass orders on merits and in accordance with law, within a period of 8 weeks



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from the date of receipt of a copy of this order. It is clarified that if the petitioner fails to appear for enquiry in pursuance of the notice, the respondent shall be at liberty to pass orders, without further notice.

10. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

20-06-2025

mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Tamilnadu State

Information Commission, Rep. By Its
Registrar, No.2, Thyagaraja Road,
Teynampet, Chennai-18.

2. Director General Of Police

O/o. Director General Of Police,
Mylapore, Chennai-4.



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N.MALA J.

mrp

3.Additional Director General
Of Police, Vigilance And Anti-
corruption, Adyar, Chennai-28.

4.The Information Officer
Governors Secretariat, Raj Bhavan,
Chennai-22.

5.K.S.Sripathy
Tamilnadu State Chief Information
Commissioner State Information
Commission, Chennai-18 (teynampet)

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