



W.P.No.15852 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.15852 of 2021
and W.M.P.Nos.16735 & 16736 of 2021

Villupuram District Central,
Co-Operative Bank Ltd.,
Rep., by its General Manager/
Public Information Officer,
2, Hospital Road, Villupuram-605 502

...Petitioner

-Vs-

1. The Commissioner,
State Information Commission,
2, Thiyagaraya Raod,
Teynampet, Chennai 600 018
2. The District Collector,
Villupuram District,
3. G.vijayan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari, to call for the records on the file of the first respondent relating to the order bearing No.S.A.2317/A/2021 dated 07.07.2021 passed by the 1st respondent and quash the same.



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For Petitioner : Mr.R.Arumugam

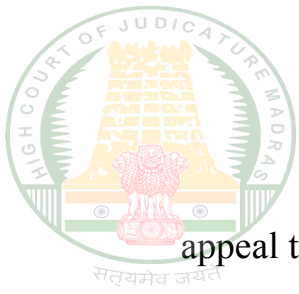
For Respondents : Mr.C.Vigneswaran,
Standing Counsel fro R1
Mr.R.L.Karthika,
Government Advocate
for R2

ORDER

This writ petition has been filed seeking to call for the records on the file of the first respondent relating to the order bearing No.S.A.2317/A/2021 dated 07.07.2021 passed by the 1st respondent and quash the same.

2. The brief facts of the case are as follows:

The petitioner, Villupuram District Central Co-Operative bank is established and registered under the provisions of Tamil Nadu Co-Operative Societies Act. The petitioner bank has not received any funds or financial assistance from the State Government. On 19.12.2020 the 3rd respondent sent an application to the petitioner seeking to furnish documents under RTI Act. The petitioner sent a reply to that on 22.12.2020. The 3rd respondent, filed an



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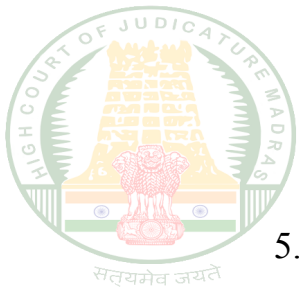
appeal to District Collector to which the petitioner replied on 22.01.2021. On

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19.07.2021 the petitioner received an e-mail from the 1st respondent which included the impugned order dated 07.07.2021 through which the petitioner came to know that the 3rd respondent had filed an appeal before the 1st respondent. The first respondent did not issue any notice of hearing and no opportunity was given before passing the impugned order. The said impugned order is contrary to the Division Bench Judgment in W.A.No.2425 of 2015 dated 29.04.2015 as well as two orders passed by the 1st respondent in the appeal in respect of the petitioner bank itself. Aggrieved by this, the petitioner has been filed the present writ petition.

3.Learned counsel for the petitioner would submit that the 1st respondent has directed the petitioner to furnish the information without giving any prior notice to the petitioner. He further submit that no notice was issued before passing the impugned order.

4.Learned Standing counsel appearing for the 1st respondent submitted that no notice was issued to the petitioner before the issuance of the order of the 1st respondent dated 07.07.2021.



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5. Heard both sides and perused the materials available on record.

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6. In view of the above submissions made by the learned counsel on either side, the order passed by the 1st respondent bearing No.S.A.2317/A/2021 dated 07.07.2021 is hereby set aside and the matter is remitted back to the 1st respondent for a fresh consideration on merits, in accordance with law and to pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

7. In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

21.02.2025

vsn

Index : Yes / No

Speaking / Non-Speaking Order



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To

1. The Commissioner,
State Information Commission,
2, Thiyagaraya Raod,
Teynampet, Chennai 600 018
2. The District Collector,
Villupuram District,



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J.SATHYA NARAYANA PRASAD, J.

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