

D. Samuel Vs. The Information Commissioner and Others

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Court : Chennai Madurai

Decided On : Dec-14-2016

Judge : K. Ravichandrababu

Appeal No. : W.P(MD) No. 23915 of 2016 & W.M.P(MD) No. 17250 of 2016

Appellant : D. Samuel

Respondent : The Information Commissioner and Others

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in Gen.No.28211/B/16 and 28212/B/16, dated 27.09.2016 and to quash the same as illegal and consequently to direct the first respondent to impose penalty to the third respondent by invoking sub-sections (1) and (2) of Section 20 of the Right to Information Act, 2005.)

1. Mr.K.K.Senthil, learned Standing Counsel takes notice for the first respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents 2 and 3.

2. By consent of both parties, the main Writ Petition itself is taken up for disposal, at the admission stage itself.

3. The Petitioner is aggrieved against the order passed by the first respondent on 27.09.2016, wherein and whereby, the Second Appeal preferred before the first respondent was returned, as the same was not filed within the period of limitation.

4. The learned counsel for the Petitioner submitted that though the Petitioner has specifically prayed for condoning the delay in filing the Second Appeal, in the appeal petition itself filed on 1.9.2016, the authority namely, the first respondent failed to consider such prayer and mechanically returned the appeal.

5. The learned counsel for the first respondent fairly submitted that though the authority has got the power to condone the delay, the same was not exercised and therefore for such purpose, the matter may be remitted back to the first respondent.

6. Considering all these aspects and without expressing any view on the claim made by the Petitioner, in respect of the merits of the information sought for by him, the Writ Petition is allowed and the impugned order passed by the first respondent in Gen.No.28211/B/16 and 28212/B/16, dated 27.09.2016 is set aside and the matter is remitted back to the first respondent for considering the prayer for condoning the delay in filing the Second Appeal and pass orders on the same on merits and in accordance with law. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

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