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At the Jerusalem District Court Sitting as the Court for Administrative Affairs

AP 28253-11-11 Shanaytah et al. v. Ministry of the Interior et al.

April 17, 2012

Behind Closed Doors

Judgment

It seems that the filing of this petition with this court could have been avoided, had the respondent upheld the schedule which was established by the appellate committee, and had properly clarified its position concerning its obligations to transfer the material which served as a basis for its decision to deny the application currently pending before the appellate committee.

I have recorded before me the statement made by respondent's counsel, according to which the position of the Ministry of the Interior was, that the appellate committee was empowered, in the proceeding pending before it, to give the respondent any directive concerning the production of the material which served as a basis for respondent's decision, for the inspection of petitioners' counsel. It is clear that eventually, the decision of the chair of the appellate committee is subject to judicial scrutiny. However, at this stage petitioners' counsel should exhaust the administrative proceeding.

Subject to the above comments, the petition is denied.

With respect to the costs, it seems that an amicable discussion between the parties would have rendered the petition redundant, not to mention the upholding of schedules and a clarification of respondent's position, from the outset, concerning the manner by which it regarded its obligation to make the material which served as a basis for its decision available for petitioners' inspection, so as to enable the petitioners, had they found it appropriate, to challenge its position on this issue ahead of time. Under these circumstances, the respondent will pay the petitioners costs of trial and legal fees in a total amount of 2,000 NIS.

Given and notified today 25 Nissan 5772, April 17, 2012 in the presence of the attending parties.

(signed)

Nava Ben Or, Judge