

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No.8597 of 2015 (Y)

PETITIONER:

**A.P.MUHAMMED SHAREEF,S/O.M.HASSAN KUTTY,
CITY MARKET,P.O.TANUR,PIN-676302,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.J.R.PREM NAVAZ
SRI.P.T.SHEEJISH**

RESPONDENTS:

- 1. PUBLIC INFORMATION OFFICER,
TANUR PANCHAYATH OFFICE,
P.O.TANUR-676 302,MALAPPURAM DISTRICT.**
- 2. DEPUTY DIRECTOR OF PANCHAYATH,
PANCHAYATH DEPARTMENT,
DISTRICT COLLECTORATE,
P.O.MALAPPURAM-673001.**
- 3. INFORMATION COMMISSIONER,
STATE INFORMATION COMMISSION,
PUNNAN ROAD,THIRUVANANTHAPURAM-695 001.**

**R1 BY ADV.SRI.M.AJAY,S.C
R2 & R3 BY GOVT. PLEADER SRI.JOSEPH GEORGE.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 8597 of 2015

Dated this the 30th day of March, 2015

JUDGMENT

The delay on the part of the 3rd respondent in considering Ext.P9 so as to give effect to Exts. P7 and P8 orders, made the petitioner to approach this Court by filing this writ petition.

2. It is stated that the petitioner submitted Ext.P1 application seeking for some information and copies of some documents, under the relevant provisions of the RTI Act. Since the 1st respondent failed to furnish the requisite information, Ext.P3 appeal was preferred before the 2nd respondent, who passed Ext.P4 order. Since the said order has not been given effect to, the petitioner preferred Ext.P5 second appeal under Section 19(3) of the RTI Act. After calling for a report, which was submitted vide Ext.P6, Ext.P7 order came to be passed on 24.04.2013 by the 3rd respondent and subsequently, Ext.P8 was passed on 7.10.2014, whereby the concerned officer has been sought to be punished. The relief stands still to be extended to the petitioner, which is highlighted by way of Ext.P9 and the prayer is to cause the same to be considered and finalized within a reasonable time.

3. Heard the learned Standing Counsel for the 2nd respondent, who points out that, since Ext.P4 order passed by the 2nd respondent is in favour of the petitioner, there was no need, necessity or occasion to move the 2nd appellate authority. Instead of filing necessary proceedings for getting the said order executed, the petitioner preferred '2nd appeal', which in turn lead to Exts. P7 and P8 orders.

4. After hearing both the sides this Court finds it fit and proper to cause the matter to be reconsidered by the 3rd respondent. Accordingly, Exts. P7 and P8 are set aside and the 3rd respondent is directed to reconsider the matter in accordance with law, after hearing both the sides. This shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE.**