

In the High Court of Judicature at Madras

Dated: 11.06.2015

Coram :

The Honourable Mr.Justice **M.SATHYANARAYANAN**

W.P.No.10021 of 2015
and M.P.No.1 of 2015

G.Muthulakshmi

.. Petitioner

-vs-

1.The District Collector,
Office of the Collectorate,
Tiruvallur District.

2.The Tahsildar,
Panapakkam Village, District.

3.The Village Administrative Officer,
Panapakkam Village, Thiruvallur Dist.

4.The Revenue Inspector,
Kadambathur Village,
Thiruvallur District.

5.M.Elumalai

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the second respondent to consider the representation of the petitioner dated 02.05.2015 submitted to the 2nd respondent under RTI Act 2005.

For Petitioner : Ms.V.Alamelu

For Respondent : Mr.S.Pattabiraman,
Govt. Advocate for RR 1 to 4

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ORDER

The matter is listed today under the caption 'for being mentioned', as the Registry has noted certain discrepancies in the order.

2.The writ petition was disposed of on 07.04.2015. The concerned Personal Assistant who took the order, due to inadvertance, has typed the wrong order. On having realised the mistake, she has also typed the correct order. However, in the interregnum, the wrong order, which was typed has been dispatched on 27.04.2015 to the concerned respondent. Hence, this Court is proposed to pass the following order.

3.The petitioner claims that she built a house admeasuring to an extent of 250 sq.ft on the land belonging to Sri Ponniamman Koil, Panampakkam Panchayat, Tiruvallur District and since her birth, she is residing in the said premises. The petitioner would state that she is an illiterate woman working in John Bosco Engineering College, Tiruvallur, as a sweeper. She is earning a monthly income of Rs.4,000/- and she is also having two unmarried daughters, who are aged about 19 and

20 years old and she claimed to be in possession of the said property along with her family members and that she is also paying other statutory levies. It is stated by the petitioner that during the month of March 2015, one Elumalai, Ward member of Panampakkam Village, who is arrayed as sixth respondent herein, came to her house and informed her that he had purchased the adjacent northern side plot and also her plot and threatened her to dispossess from the property, failing which the superstructure will be demolished. Similar threat was also made to the petitioner on 19.03.2015 and though the petitioner lodged a complaint, no response was forthcoming and in this regard, the petitioner submitted an application before the second respondent seeking certain information under the Right to Information Act, 2005, with regard to lands in Panampakkam village S.No.65/8, admeasuring to an extent of 0.75 cents. The petitioner has also sent a representation to the Superintendent of Police, Tiruvallur District pointing out the misconduct and illegal activities on the part of the fifth respondent and prayed for appropriate action. Since the petitioner has not been served with any response, he came forward to file the present petition.

4. Heard the submissions of Ms.V.Alamelu, learned counsel appearing for the petitioner and Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of respondents 1 to 4.

5.This Court, after hearing the rival submissions and upon perusal of the materials, is of the view that the petitioner is having effective alternative remedy under Section 4 of the Tamil Nadu Right to Information Act, 1997, which states that any person aggrieved by an order of the Competent Authority or any person who has not received any order from the Competent Authority within thirty working days, may appeal to the Government or to such other authority, as may be notified by the Government, subject to such rules as may be prescribed.

6.In the light of the availability of the effective alternate remedy, the petitioner is granted liberty to prefer an appeal before the concerned authority under Section 4 of the Right to Information Act, 1997, within a period of two (2) weeks from the date of receipt of a copy of this order and the authority, on receipt of the same, is directed

to consider the same and pass orders on merits and in accordance with law, as expeditiously as possible and not later than six (6) weeks thereafter.

7.The writ petition is disposed of accordingly. No costs. Consequently, M.P.No.1 of 2015 is closed.

8.As a consequence of the above order, the earlier orders dated 07.04.2015 stand re-called.

11.06.2015

sra

Note: Registry to issue a copy of this order to the parties and also to the Tamil Nadu State Information Commission.

To

- 1.The District Collector,
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Tiruvallur District.
- 2.The Tahsildar,
Panapakkam Village, District.
- 3.The Village Administrative Officer,
Panapakkam Village, Thiruvallur Dist.
- 4.The Revenue Inspector,
Kadambathur Village,
Thiruvallur District.

M.SATHYANARAYANAN, J.

(sra)

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