

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.20613 of 2015

V.Mangaiyarkarasi

.. Petitioner

vs

1.The Public Information Officer/
Head Quarters Deputy Tahsildar
Tittagudi Taluk Office
Tittagudi, Cuddalore District

2.The Public Information Appellate
Authority/Tahsildar
Tittagudi Taluk Office
Cuddalore District

3.The State Information Commission
No.2, Thiagaraya Salai
Near Aalai Amman Koil Street
Teynampet, Chennai 600 018

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the third respondent to conduct an enquiry on the Second Appeal presented by her on 11.5.2015, under Section 19(3) of the Right To Information Act, 2005, and furnish the information sought for by her, within a time frame.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.V.Subbiah
Special Government Pleader
for RR1 & 2
Mr.Nirajan Rajagopal for R3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that she is a resident of T.Agaram Village east and would state that encroachments are made on public lands and water bodies by some influenced persons including the Village Assistant and 14th Ward Member, and in this regard, several representations have been made by the concerned public, and the petitioner having felt that without specifying the lands, it's classification and extent, it may not be possible to pursue the matter further, filed an application under the Right To Information Act and sought for particulars of "A" Register, FMB

Sketch and other details of the Government lands and however, the first respondent, who is the Public Information Officer, did not furnish those details and hence, the petitioner was constrained to file an intra-departmental appeal before the second respondent on 17.3.2014, and even then, the information sought for by the petitioner, has not been furnished and therefore, the petitioner preferred a second appeal to the third respondent under Section 19 (3) of the Right To Information Act, 2005, and since no orders have been passed, came forward to file this writ petition.

3.Heard the submissions of Mr.R.Veeramani, learned Counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents 1 and 2, and Mr.Niranjan Rajagopalan, learned Standing Counsel, who accepted notice on behalf of the third respondent.

4.This Court, without going into the merits of the second appeal filed by the petitioner, directs the third respondent to consider the petitioner's Second Appeal dated 11.5.2015, on merits and in accordance with law, and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

nsv

To:

1.The Public Information Officer/
Head Quarters Deputy Tahsildar
Tittagudi Taluk Office
Tittagudi, Cuddalore District

2.The Public Information Appellate
Authority/Tahsildar
Tittagudi Taluk Office
Cuddalore District

3.The Secretary
State Information Commission
No.2, Thiyagaraya Salai
Near Aalai Amman Koil Street
Teynampet, Chennai 600 018

1 cc to Mr.R.Veeramani, Advocate, sr. 34905

1 cc to The Government Pleader, sr.35155 (27/10/2015)

W.P.No.20613 of 2015

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