

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21001 of 2015

R.Arun Kumar

... Petitioner

Vs.

1. The District Collector,
Chennai Collectorate Office,
Singaravelar Malligai,
Rajaji Salai, Chennai - 600 001,
2. The District Revenue Officer,
Chennai Collectorate Office,
Singaravelar Maaligai,
Rajaji Salai, Chennai - 600 001,
3. The Inspector (Maintenance),
Land Survey Records,
Chennai District Limit,
Chennai - 600 001,
4. The President,
Sri Ram Samaj Ayodhya Aswametha Mahamandapam,
Ariya Gowda Road, West Mambalam,
Chennai - 600 033.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioner representation dated 18.6.2015 and to furnish the information sought for in the representation dated 18.06.2015.

For Petitioner : Mr.S.Veeraraghavan

For Respondents : Mr.S.Pattabiraman,
Govt.Advocate

ORDER

With the consent of the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3, the writ petition is taken up for disposal at the admission stage itself.

2. The petitioner claims that the land measuring an extent of 7 grounds i.e., 39 cents in Pymash No.598 is purchased by the petitioner's grandfather, aunt and her husband under a registered document and the petitioner is also one of the legal heirs in respect of the land in Block No.42 in S.Nos.68/1, 68/2, 57/4, 57/9 of Kodambakkam village. He approached the 1st respondent for cancellation of patta and for issuance of a fresh patta. The petitioner thereafter sent a representation dated 7.8.2014 to the District Revenue Officer of Chennai District seeking certain information under the Right to Information Act, 2005. Thereafter, he approached the Collector of Chennai District on 23.09.2014 for the very same relief. Since no action has been taken by the respondents 1 and 2, the petitioner submitted a representation dated 18.6.2015 to the respondents 1 to 3 and since he has not been favoured with any response he came forward with the present writ petition.

3. Learned counsel appearing for the petitioner submits that inspite of petitioner approaching the respondents to get information under the Right to Information Act, 2005, he has not been favoured with any kind of response, so is also the representations. Hence, he is constrained to approach this Court for appropriate relief.

4. This Court also heard the submissions of Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of respondents 1 to 3 and the learned Government Advocate submitted that since the petitioner is having an effective alternative remedy under the provisions of the Right to Information Act, 2005, he can invoke the same.

5. This Court has carefully considered the rival submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 to 3 and also perused the materials placed on record.

6. Section 19 of the Right to Information Act 2005 speaks about the appeal remedy available to the petitioner. If the petitioner is aggrieved by the factum of non-disposal of the petitioner's application/ representation seeking information under Right to Information Act, 2005, it is always open to him to invoke the appeal remedy.

7. Therefore, this Court in the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner, permits the petitioner to invoke the provisions of the appeal remedy available under the Right to Information Act, 2005 and the concerned authority on receipt of the same, is directed to give preference and expedite disposal of the same in accordance with law.

The writ petition is disposed of accordingly. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chennai Collectorate Office,
Singaravelar Malligai,
Rajaji Salai, Chennai - 600 001,
2. The District Revenue Officer,
Chennai Collectorate Office,
Singaravelar Maaligai,
Rajaji Salai, Chennai - 600 001,
3. The Inspector (Maintenance),
Land Survey Records,
Chennai District Limit,
Chennai - 600 001,

+1 cc to Mr.SVeeraragavan,Advocate (SR.35487)
+two cc to Government pleader (SR.35725)

GGK (co)
cp 04.08.2015

सत्यमेव जयते

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