

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3291 of 2015

S.Joel

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Petitioner

Versus

1.The First Appellate Authority,
The Controller of Mines (Sz),
Ministry of Mines, Indian Bureau of Mines,
Office of the Controller of Mines(SZ),
29, Industrial Suburb, II Stage,
Tumkur Road, Bangalore.

2.The Central Public Information Officer,
Ministry of Mines, Government of India,
Indian Bureau of Mines,
C-4A, Rajaji Bhavan, Besant Nagar,
Chennai 600 090.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent herein to dispose of the Appeal petition dated 20.12.2014 under RTI Act filed by the petitioner herein within a stipulated time.

For Petitioner : Mr.P.Ravikumar

For Respondents: Mr.S.V.Srinivasan

Asst. Solicitor General of India

सत्यमेव जयते
ORDER

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General accepting notice for the respondents.

2. Petitioner has filed this writ petition seeking for a writ of mandamus directing the first respondent i.e., the First Appellate Authority, the Controller of Mines (Sz), Ministry of Mines, Indian Bureau of Mines, to dispose of the Appeal petition dated 20.12.2014 under the provisions of the Right to Information Act. The first respondent is the First Appellate Authority under the provisions of the Right to Information Act in the concerned department. From the Communication dated 16.01.2015, it is seen that the petitioner's appeal petition has not been taken up for consideration on merits,

but has been kept in abeyance on the ground it is incomplete for the following reasons:

"1.In your appeal, the enclosures referred are not tallying or not enclosed.

2.Copy of application enclosed is without signature and enclosures referred are not tallying."

The communication further states that the petitioner may prefer a revised appeal giving all the required documents as mentioned supra and the appeal will be processed after receipt of the revised appeal. Therefore, the petitioner should not have any apprehension that the appeal has been either rejected or his petitions have been negatived on merits. Perusal of communication dated 14.01.2015, reveals that the appeal has been kept in abeyance as it is incomplete for the reasons stated therein. Therefore, the appropriate procedure to be followed by the petitioner is to comply with the defects pointed out and prefer a revised appeal.

3. Learned counsel for the petitioner on instructions from the petitioner who is also a practicing advocate states that the petitioner is ready and willing to comply with the issues pointed out by the first respondent in the communication dated 14.01.2015.

4. Accordingly writ petition is disposed of, directing the petitioner to comply with the requirement as pointed out by the first respondent in their letter dated 14.01.2015 and prefer the revised appeal to the first respondent. The first respondent shall consider the revised appeal and if the same is in order process the same, in accordance with the provisions of the Right to Information Act within the time schedule prescribed under the Act. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The First Appellate Authority,
The Controller of Mines (Sz),
Ministry of Mines, Indian Bureau of Mines,
Office of the Controller of Mines (SZ),
29, Industrial Suburb, II Stage,
Tumkur Road, Bangalore.

2.The Central Public Information Officer,
Ministry of Mines, Government of India,
Indian Bureau of Mines,
C-4A, Rajaji Bhavan, Besant Nagar,
Chennai 600 090.

+1 cc to M/s.P.Ravikumar, Advocate,SR.15897.

+1 cc to M/s.Su.Srinivasan, Advocate,SR.15904.

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