

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.9004/2015

J.Shanmugasundara Babu

.. Petitioner

Versus

1.Public Information Officer/
The Assistant Commissioner,
O/o.The Assistant Commissioner of Land Reforms,
Villupuram.

2.The Land Reforms Commissioner,
Land Reforms Department,
Chepauk, Chennai-600 005.

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to furnish the particulars sought for by the petitioner in his application submitted under the Right to Information Act dated 09.09.2014 and 06.03.2015 respectively.

For Petitioner : Mr.V.Saravanan

For Respondents: Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.V.Saravanan, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner has filed this writ petition to direct the respondents to furnish the particulars sought for by the petitioner in his application submitted under the Right to Information Act dated 09.09.2014 and 06.03.2015 respectively.

3.The petitioner sought for certain information under the Right to Information Act, 2005 in respect of the proceedings dated 29.01.1984 passed by the Authorised Officer, Land Reforms, Villupuram, by which certain lands owned by Mr.Gnanaprakasa Mudaliar

and Mr.Manimegalai Mudaliar in Arani Village, Ponneri Taluk, Chengalpet District were declared as surplus lands. Now, the petitioner has sought for information as regards the said lands and how the same was utilised, whether any patta was issued in favour of the allottees, etc. The 1st respondent, who is the Authorised Officer, by reply dated 17.12.2014 stated that the records are not traceable and as and when the records are traced out, appropriate reply will be given.

4.Dissatisfied with the information/reply furnished, the petitioner has preferred an appeal to the 2nd respondent under Section 19[1] of the Right to Information Act, 2005. The said appeal has been sent by speed post on 18.03.2015 and within less than fifteen days time, the petitioner is before this Court by way of this writ petition requesting this Court to issue mandamus to dispose of the appeal petition.

5.It cannot be disputed that the Right to Information Act provides for a time limit, within which the Appellate Authority has to decide the matter. That apart, the said Enactment, being a special Enactment, provides for a hierarchy of remedies. This Court sees no justifiable reason to intradict the proceedings before the 2nd respondent.

6.Since the appeal which is said to be sent by speed post on 18.03.2015 is pending, the 1st respondent is directed to consider the appeal on merits and in accordance with the provisions of the Right to Information Act, if the appeal is in order and the consideration shall be in accordance with the limitation prescribed under the Right to Information Act.

7.The writ petition is disposed of with the above direction. No cost.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP/gya

To

1.Public Information Officer/
The Assistant Commissioner,
O/o.The Assistant Commissioner of Land Reforms,
Villupuram.

2.The Land Reforms Commissioner,
Land Reforms Department,
Chepauk, Chennai-600 005.

+ 1 cc to Government Pleader SR.17922

+ 1 cc to Mr.V.Saravanan, Advocate Sr.17691

LRS (CO)
Eu 11.04.2015

WP.No.9004/2015



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