

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.03.2015
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.19133 of 2013

And

M.P.No.1 of 2014

1.P.Murugesan
2.M.Vishnu Karthikeyan
3.M.Gowtham

... Petitioners

Vs.

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

2.The Public Information Officer cum
Head quarters Deputy Tahsildar
Taluk Office,
Udumalpet, Tiruppur District.

3.The Tahsildar / Tenancy Record Officer,
Taluk Office,
Udumalpet,
Tiruppur District.

4.The Assistant Registrar
Tamil Nadu State Information Commissioner
No.2, Thiagaraya Sali,
Tenampet, Chennai - 600 018.

5.V.Velusamy

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the second respondent order made in the proceedings no.46521 / B-2012 dated 17.12.2012 and its consequential proceedings of the third respondent made in Na.Ka.No.10854 / 2011 / A2 dated 24.01.2013 and to quash the same as illegal, incompetent and unjust and to direct the respondents to issue cultivation certificate to the petitioners in respect of the petitioners lands more fully specified in the schedule of this petition within the specified period of time to have their benefits provided by the state.

For Petitioners : Mr.A.Thamizharasan
For Respondents : Mr.R.Vijayakumar for R1 to R3
Additional Government Pleader
Mr.Niranjan Rajagopalan for R4
for GR Associates
Mr.S.Gunalan for R5

O R D E R

Heard Mr.A.Thamizharasan, learned counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsels appearing for the respondents 4 and 5.

2.Petitioners have filed this writ petition challenging the order passed by the second respondent who is the Public Information Officer cum Head quarters Deputy Tahsildar, Udumalpet, Tiruppur District and the consequential proceedings of the third respondent.

3.The information which has been furnished by the second respondent according to the petitioner is not the information sought for by the petitioner and the second respondent has not adhered to the true concern of the Right to Information Act.

4.If the petitioner is aggrieved by any portion of the order passed by the Public Information Officer cum Head quarters Deputy Tahsildar, either by sufficiency or insufficiency or belonging, the remedy available to the petitioner is to file a first appeal to the First Appellate Authority under Section 19(1) of the Right to Information Act. The Right to Information Act is a special statute and the remedy available therein are adequate and efficacious remedies. Therefore, there is no justification for the petitioner to bye-pass those remedies and prefer to filing of the writ petition questioning the order of the Public Information Officer cum Head quarters Deputy Tahsildar.

5.Therefore, at this stage, the question of quashing the order passed by the second respondent and the consequential order passed by the third respondent does not arise. Accordingly, this writ petition is disposed of by directing the petitioner to file an appeal to the First Appellate Authority as provided under Section 19(1) of the Right to Information Act. If the appeal is preferred, the First Appellate Authority while computing the limitation shall exclude the period during which the writ petition was pending i.e., 25.04.2013 till today and thereafter proceed in accordance with law.

6.Registry is directed to return the original of the impugned order to the learned counsel appearing for the petitioner.

7.The writ petition is disposed of with the above observations.
No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar
Dated:27.3.15

True Copy

Sub Assistant Registrar

To

- 1.The District Collector
Office of the District Collectorate
Tiruppur District, Tiruppur.
 - 2.The Public Information Officer cum
Head quarters Deputy Tahsildar
Taluk Office,
Udumalpet, Tiruppur District.
 - 3.The Tahsildar / Tenancy Record Officer,
Taluk Office,
Udumalpet,
Tiruppur District.
 - 4.The Assistant Registrar
Tamil Nadu State Information Commissioner
No.2, Thiyagaraya Sali,
Tenampet, Chennai - 600 018.
- +1 cc to Mr.D.Muthuselvan, Advocate,SR.15008
+1 cc to Government Pleader,SR.1516
+2 cc to Mr.A.Thamizharasan, Advocate,SR.15192.

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krd 31/3

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