

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.14686 of 2016

1 A.Hariharan ... Petitioner

Vs.

1 Information Commissioner/
2nd Appellate Authority
State Information Commissioner
Chennai-18.

2 Tahsildar and Appellate Authority
Sriperumbudur Taluk
Sriperumbudur
Kancheepuram District.

3 The Head Quarters Deputy Tahsildar/
and Public Information Officer
Taluk Office
Sriperumbudur
Kancheepuram District.

.... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to furnish the information dated 8.10.2015 under RTI Act 2005

For Petitioner : Mr.M.Udhayakumar

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus, directing the respondents to furnish the information, sought for by him in his letter dated 8.10.2015 under the Right to Information Act, 2005.

2. The petitioner sought for the following information

from the third respondent by his letter dated 8.10.2015 under the Right to the Information Act, 2005:

- i. The classification of land in S.No.130 and its number of sub divisions in Panappakkam Village of Sriperumpudur Taluk and whether any poromboke land is there in it and if so, the name of the encroachment and when encroachment will be removed.
- ii. The classification of land in S.No.18 of Ammanampakkam, Sriperumpudu Taluk and its number of sub divisions and whether any poromboke land is available and if so the number of acres and the name of the encroacher may be furnished and also to furnish the details of lands belonging temple in the above village with copy of "A" register;
- iii. The classification of land in S.No.227 of Salamangalam Village of sub divisions in it and whether there is any poromboke land and if so its extent and the name of encroacher and when it will be moved;
- iv. If there is any legal provision not to remove the encroachment of poromboke land by any organization of persons with money and political power and if not so, why the encroachments noted in the above 1,2, 3 questions were not so far removed and who is preventing it;
- v. The real nature of S.No.73 and its sub divisions in Karanthithangal in Sriperumbudur Taluk and ot list out each classifications
- vi. To furnish "A" Register and FMB relating to question Nos.1, 2, 3 and 5.

Since no information was received from the third respondent, he filed an appeal to the appellate authority/Tashildar, Sriperumpudur on 13.11.2015 under section 19(1) of RTI Act. He made a further second appeal on 15.12.2015 to the Information Commissioner, State Information Commissioner under section 19(3) of RTI Act. All his efforts to get information ended in futile. Hence, having no other alternative, he is constrained to approach this Court by way of writ petition, seeking redressal of his grievance.

3. Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing on behalf of the respondents.

4. Considering the facts and circumstances of the case and

considering the submissions made on either side, this Court directs the petitioner to furnish a copy of the letter dated 8.10.2015, seeking information, to the third respondent along with a copy of this letter, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of twelve weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any opinion with regard to the claim made by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ajr

To

- 1 Information Commissioner/
2nd Appellate Authority
State Information Commissioner
Chennai-18.
 - 2 Tahsildar and Appellate Authority
Sriperumbudur Taluk
Sriperumbudur
Kancheepuram District.
 - 3 The Head Quarters Deputy Tahsildar/
and Public Information Officer
Taluk Office
Sriperumbudur, Kancheepuram District.
- 1 cc to Mr.M.Udhayakumar, Advocate, sr.24904
1 cc to Government Pleader, sr.25035

W.P.No.14686 of 2016

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kra 24.05.2016