

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

WP.No.7288 of 2013

P.Cholaraja

..Petitioner

-Vs-

1.The Chief Information Commissioner,
Tamil Nadu Information Commission,
No.2, Thigaraya Salai,
(Nearby Alayamman Temple),
Teynampet, Chennai-18.

2.The Assistant Appellate Authority,
The Director of Land Survey and
Records Department,
Chepauk, Chennai-5.

3.The Information Officer,
O/o.the Head Quarters,
Deputy Tahsildar,
Purasaivakkam,Perambur Taluk,
Chennai-600 011.

.. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ Certiorarified Mandamus , calling for the records relevant in the order in Na.Ka.No.01/2012/A4 dated 31-08-2012 passed by the 3rd respondent and quash the same as illegal, improper, unreasonable against the rule of law and thereby direct the 3rd respondent to furnish the details and documents sought by the petitioner in his letter dated 25.02.2012 pursuant to the order of the 1st respondent in order No.20749/C/2012 dated 18.07.2012 without any further delay.

For Petitioner : Mr.P.A.Chithramani

For RR1 : Mr.Niranjana Rajagopalan
for M/s.G.R.Associates

For RR 2 & 3 : Mr.V.S.Ramesh - GA

ORDER

Heard Mr.P.A.Chithramani, learned counsel for the petitioner and Mr.Niranjan Rajagopalan, learned counsel for M/s.G.R.Associates, appearing for the 1st respondent and Mr.V.S.Ramesh, learned Government Advocate appearing on behalf of the 2nd and 3rd respondents. With the consent of either side, the writ petition is taken up for final disposal.

2.The petitioner had sought for a document / patta standing in the name of Seshaiha in the respect of property survey No.122, Block Map-9, Kolathur, Chennai-99 under the Right to Information Act to the third respondent. On receipt of the application, the third respondent had informed the petitioner that they are unable to furnish the said documents as the same has been deposited before the Court of law. At this juncture, the learned counsel for petitioner had sought for details of the Court in which the documents has been filed.

3.The learned Government Advocate had produced a copy of the Final Report filed before the Additional Chief Metropolitan Magistrate, Egmore in C.C.No.103 of 2007. Mr.Niranjan Rajagopalan, learned counsel representing the 1st respondent would submit that if the petitioner is aggrieved by the non-furnishing of the documents, it is open to him to seek relief under Section 18 and 20 of Right to Information Act before the 1st respondent. Under such circumstances, the petitioner is granted liberty to vent out his grievances before the respondents 1 and 2 by submitting an appropriate representation.

4.Accordingly the writ petition is disposed of and the petitioner is granted liberty to make a fresh complaint to the 1st respondent venting out his grievances and on receipt of such complaint, the 1st respondent shall conduct an enquiry on the same U/Sec 18 and 20 of the Right to Information Act and pass appropriate orders within a period of three months from the date of receipt of such representation. No costs.

सत्यमेव जयते
Sd/-

Asst.Registrar

/true copy/

WEB COPY
Sub Asst. Registrar

kp

To

1.The Chief Information Commissioner,
Tamil Nadu Information Commission,
No.2, Thigaraya Salai,
(Nearby Alayamman Temple),
Teynampet, Chennai-18.

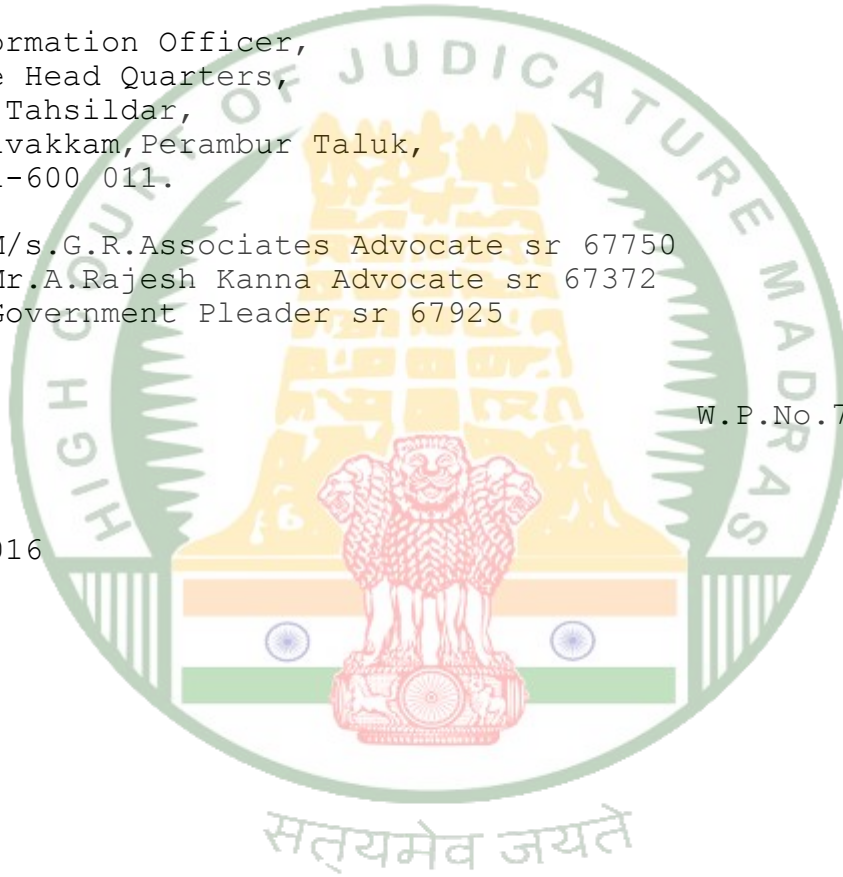
2.The Assistant Appellate Authority,
The Director of Land Survey and
Records Department,
Chepauk, Chennai-5.

3.The Information Officer,
O/o.the Head Quarters,
Deputy Tahsildar,
Purasaivakkam, Perambur Taluk,
Chennai-600 011.

+1 cc to M/s.G.R.Associates Advocate sr 67750
+1 cc to Mr.A.Rajesh Kanna Advocate sr 67372
+1 cc to Government Pleader sr 67925

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kgk(co)
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