

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26115 of 2016

Y.Akbar Ahmed

... Petitioner

Versus

1. The Public Information Officer/Assistant Secretary-II, Tamil Nadu Wakf Board, No.1, Jaffar Syrang Street, Vallal Seethakathi Nagar, Chennai 600 001.
2. The Appellate Authority/Chief Executive Officer, Tamil Nadu Wakf Board, No.1, Jaffar Syrang Street, Vallal Seethakathi Nagar, Chennai 600 001.
3. The Tamil Nadu Information Commission, No.2, Theagaraya Salai, Near Aalai Amman Koil, Teynampet, Chennai 600018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 3rd respondent herein to consider the representation dated 25.06.2015 and to pass orders within a stipulated time fixed by this Court and may herein take action against the 1st and 2nd respondents for violating the provisions of RTI Act, 2005.

For Petitioner : Mr.Y.Akbar Ahmed
Party-in-person

For RR 1 & 2 : Ms.Abitha Banu

For R3 : Mr.Niranjan Rajagopalan

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner/Party-in-person would submit that he has invoked the jurisdiction of the Right to Information Act, 2005, and submitted a representation to the 1st respondent on

28.03.2015, seeking certain information regarding the property bearing Door No.98, St.Patrick Church Road, Butt Road, St.Thomas Mount, Chennai 600016, and the 1st respondent vide proceedings dated 21.04.2015, had refused to provide the required information and aggrieved by the same, the petitioner / Party-in-person filed an appeal before the 2nd respondent / Appellate Authority and vide communication dated 10.06.2015, the 2nd respondent had sent a reply to the petitioner / Party-in-person, stating that under section 7[9] of the Right to Information Act, 2005, the information sought for, cannot be furnished. The petitioner / Party-in-person, aggrieved by the same, filed a second appeal before the 3rd respondent on 25.06.2015 and since it has not been taken cognizance and as a consequence, no orders have been passed, he came forward to file the present writ petition.

3. Heard the submissions of Mr.Y.Akbar Ahmed, petitioner / Party-in-person ; Ms.Abitha Banu, learned counsel who accepts notice on behalf of the respondents 1 and 2 and Mr.Niranjan Rajagopalan, learned counsel who accepts notice on behalf of the 3rd respondent.

4. Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the 3rd respondent to entertain the appeal preferred by the petitioner dated 25.06.2015, if the papers are otherwise in order and give a disposal in accordance with law, after putting on notice, the person/s concerned and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner / Party-in-person as well as to the person/s concerned.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Public Information Officer/Assistant Secretary-II, Tamil Nadu Wakf Board, No.1, Jaffar Syrang Street, Vallal Seethakathi Nagar, Chennai 600 001.

2. The Appellate Authority/Chief Executive Officer, Tamil Nadu Wakf Board,
No.1, Jaffar Syrang Street, Vallal
Seethakathi Nagar, Chennai 600 001.

3. The Tamil Nadu Information Commission,
No.2, Theagaraya Salai, Near Aalai Amman
Koil, Teynampet, Chennai 600018.

+lcc to Mr.Y.Akbar Ahmed, Party in Person, S.R.No.43153

W.P.No.26115 of 2016

SVI (CO)
CA(10/08/2016)



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