

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2016

Coram

The Hon'ble Mr.Justice B.RAJENDRAN

W.P. No. 32002 of 2016

K.Selladuari

...Petitioner

Vs.

1.Assistant Director of Town Panchayat/
Public Information Appellate Authority
Cuddalore Zone
Office of District Collector
Cuddalore District.

2.The Public Information Officer
Pennadam Town Panchayat
Tittagudi Taluk
Cuddalore District.

3.The State Information Commission
No.2, Thiyagaraya Salai
Near Aalai Amman Koil Street
Teynampet
Chennai-600 018.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to conduct an enquiry on the Second Appeal presented by him on 27.01.2016 under Section 19(3) of Right to Information Act, 2005, and to furnish the information as sought for by him, within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.Niranjan Rajagopal

O R D E R

By consent, the Writ Petition is taken up for final disposal at the time of admission itself.

2.Heard, Mr.R.Veeramani, learned counsel for the petitioner and also Mr.Niranjan Rajagopal, learned Standing Counsel, who has taken notice on behalf of the respondents.

3.The petitioner has come up with the present Writ Petition for a Mandamus, directing the 3rd respondent to conduct an enquiry on the Second Appeal presented by him on 27.01.2016 under Section 19(3) of Right to Information Act, 2005, and to furnish the information as sought for by him, within a time frame

4. The grievance of the petitioner is that his land was sought to be taken over unauthorizedly by certain influential persons. In order to expose the fraud, the petitioner submitted an application on 30.10.2015 to the 1st respondent seeking certain information under the Right to Information Act. Since the information sought for by the petitioner was not furnished to him, he preferred 1st Inter Departmental Appeal before the 2nd respondent on 14.12.2015. Even thereafter since the respondents 1 and 2 did not furnish the information as sought for by the petitioner, he preferred a Second Appeal in S.A.No.4245 of 2016 before the 3rd respondent, on 27.01.2016, complaining inaction on the part of the respondents 1 and 2. But, till date, the enquiry was not conducted. Aggrieved over the same, the petitioner is before this Court with this Writ Petition seeking the relief stated supra.

5. Mr.R.Veeramani, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is issued to the 3rd respondent to dispose of the Second Appeal preferred by the petitioner, on 27.01.2016, within a time frame.

6. Mr.Niranjan Rajagopal, the learned Standing Counsel appearing for the respondents, would submit that the 3rd respondent will consider the Second Appeal filed by the petitioner, on 27.01.2016 and pass orders, on merits and in accordance with law.

7. Taking into consideration of the above submission made on either side, this Court, without going into the merits of the claim made by the petitioner, only directs that the 3rd respondent shall consider the Second Appeal filed by the petitioner, on 27.01.2016, and pass orders, after conducting an enquiry, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

8.With the above direction and observation, this Writ Petition stands disposed of. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

paa

To

1.Assistant Director of Town Panchayat/
Public Information Appellate Authority
Cuddalore Zone, Office of District Collector
Cuddalore District.

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Pennadam Town Panchayat
Tittagudi Taluk, Cuddalore District.

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+1 CC to R. Veeramani, Advocate, Sr.No.51988

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KSJ (CO)
MD : 05/10/2016

सत्यमेव जयते

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