

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.37959 of 2016

V.Babu

..

Petitioner

...Vs...

- 1.The Commissioner,
Office of the Commissioner,
HR & CE Department,
Chennai.
- 2.Chief Audit Officer,
Office of the Commissioner(Audit Wing)
HR & CE Department,
Chennai.
- 3.Public Information Officer/Assistant Audit Officer
Office of the Commissioner(Audit Wing)
HR & CE Department,
Chennai.
- 4.Principal Secretary to Government,
Tourism,Culture and Religious Endowments Department,
Secretariat,Chennai-600 009. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents to make the payment of Rs.43,328/- with interests and costs to the petitioner.

For Petitioner : Mr.SP.Chockalingam

For Respondents : Mr.M.Maharaja, Spl.GP {HR&CE}

ORDER

Heard the learned counsel for the petitioners and Mr.M.Maharaja, learned Special Government Pleader {HR&CE} who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that on 24.08.2016 he has sought for information relating to Audit-Joint Sitting conducted

by the 1st respondent from 01.01.2012 to 20.08.2013 through the Right to Information Act, 2005, and vide communication dated 12.09.2013, the 3rd respondent had directed the petitioner to pay a sum of Rs.43,328/- as charges for providing such information. When the petitioner sought for the mode of payment on 13.10.2013, the 3rd respondent vide communication dated 23.10.2013, refused to furnish the information sought for by the petitioner. Thereafter, the petitioner approached the Office of the HR&CE Department and he was informed that only upon payment of Rs.43,328/- to the Treasury Account, the relevant information will be provided to him. Subsequent to the payment of the said amount also, the petitioner was not furnished with the information sought for by him. Aggrieved against which, the petitioner preferred an appeal in Case No.30948/2015 before the State Information Commissioner, the Appellate Authority and vide order dated 03.02.2015, dismissed the appeal, rejecting the prayer of the petitioner and however, directed the respondents to return the amount paid by the petitioner. But the said direction was not complied with by the respondents and several representations / reminders sent to them also proved futile. Hence, on 11.05.2016, the petitioner sent a legal notice for repayment of the amount and on receipt of the said notice, the respondents 2 and 3 have sent a letter dated 18.05.2016 stating that upon getting permission from the 4th respondent, the said amount will be repaid to him. It is the grievance of the petitioner that despite the direction of repayment of Rs.43,328/- having been passed by the Appellate Authority as early as on 03.02.2015, the petitioner is yet to be repaid with the same. Hence, he has come up with the present writ petition seeking for a direction to the respondents for repayment of Rs.43,328/-.

3 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner in his legal notice dated 11.05.2016, directs the respondents to consider and dispose of the same on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

4 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/
Sub Asst. Registrar

AP

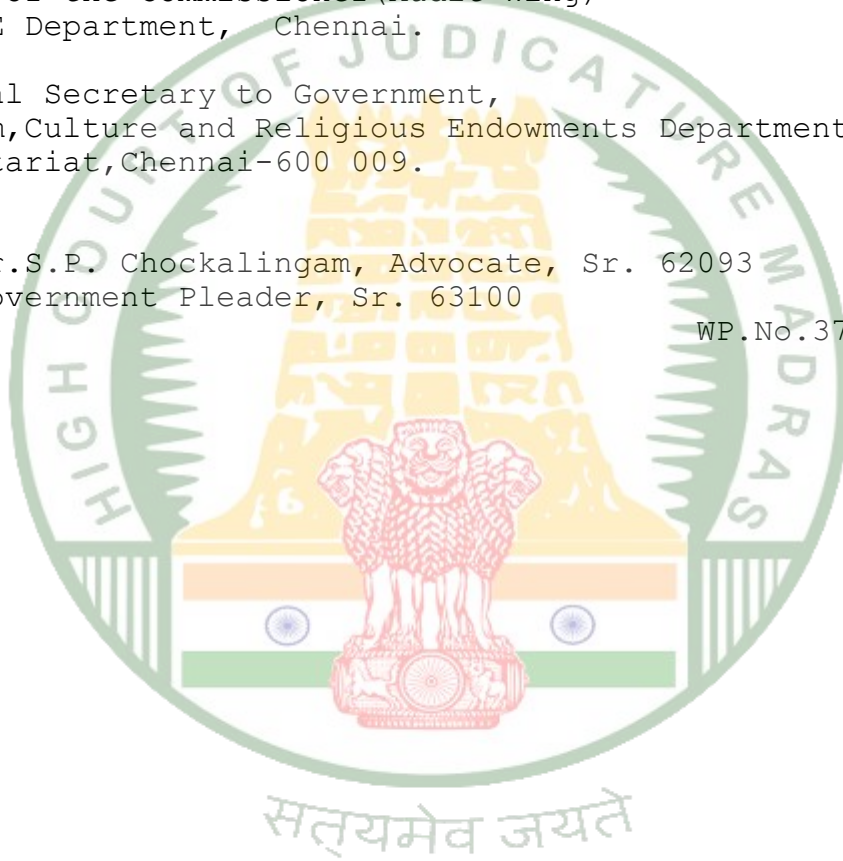
To

- 1.The Commissioner,
Office of the Commissioner,
HR & CE Department, Chennai.
- 2.Chief Audit Officer,
Office of the Commissioner(Audit Wing)
HR & CE Department, Chennai.
- 3.Public Information Officer/Assistant Audit Officer
Office of the Commissioner(Audit Wing)
HR & CE Department, Chennai.
- 4.Principal Secretary to Government,
Tourism,Culture and Religious Endowments Department,
Secretariat,Chennai-600 009.

1 cc to Mr.S.P. Chockalingam, Advocate, Sr. 62093
1 cc to Government Pleader, Sr. 63100

WP.No.37959 of 2016

CA (CO)
kk 30/11



WEB COPY