

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5873 of 2016

M.Marimuthu

.. Petitioner

Vs.

- 1.The State Information Commissioner,
Tamil Nadu State Information Commission
Chennai-18.
- 2.The Superintending Engineer, Construction and
Maintenance Office, Highways Department
Tirunelveli Circle, Palayamkottai, Tirunelveli - 627 002.
- 3.The Deputy Superintending Engineer,
Construction and Maintenance, Tirunelveli-2. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the first respondent to pass orders on the petitioner's appeal dated 01.06.2015 against the order passed by the second respondent in letter No.2123/2015/Aa2 dated 22.05.2015.

For Petitioner : Mr.P.Rajendran
For respondents : Mr.Navaneethan, AGP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the first respondent to pass orders on the petitioner's appeal dated 01.06.2015 against the order passed by the second respondent in letter No.2123/2015/Aa2 dated 22.05.2015.

3.The petitioner submitted an application to the Public Information Officer/Superintending Engineer, Construction and Maintenance Department, Highways Department, Tirunelveli Circle on 28.04.2015, requesting to furnish certain information on the total amount paid to the Divisional Engineers in each Division towards Travelling Allowance in Tirunelveli circle from January

2014 to March 2015 and the maximum allowance payable to the Divisional Engineers as per the Government orders. The said application was redirected to the Deputy Superintending Engineer, Construction and Maintenance, the said officer in his letter No.2123/2015/Aa2 dated 05.05.2015 stating that the information cannot be furnished as per Section 8(1) of the RTI Act. As against the said order, the petitioner preferred an appeal before Superintending Engineer, Palayamkottai, Tirunelveli, the appellate authority in its letter No.2123/2015/Aa2 dated 22.05.2015 stating that the competent authority is not satisfied that the information sought for by the petitioner is in the larger public interest and therefore the information cannot be furnished. Challenging the said order, the petitioner filed second appeal before the first respondent/Tamil Nadu Information Commission, Chennai-18 on 01.06.2015, the first respondent has not passed any order in the appeal dated 01.06.2015, hence the petitioner filed the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. Considering the facts and circumstances, this Court directs the first respondent to consider the appeal of the petitioner dated 01.06.2015 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner.

6. This writ petition is disposed of accordingly. No costs.
tsh

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The State Information Commissioner,
Tamil Nadu State Information Commission
Chennai-18.

2. The Superintending Engineer, Construction and
Maintenance Office, Highways Department
Tirunelveli Circle, Palayamkottai, Tirunelveli - 627 002.

3.The Deputy Superintending Engineer,
Construction and Maintenance, Tirunelveli-2.

+ 1 cc to Government Pleader, High Court, Madras SR 10560

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