

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6843 of 2016
and WMP.No.6094 of 2016

S.I.Muthiah

... Petitioner

Vs.

The Chief Information Commissioner,
Tamil Nadu State Information Commission,
No.2, Theagaraya Salai,
Near Aalai Amman Koil,
Teynampet, Chennai-18.

... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the respondent to pay a compensation of Rs.25,000/-.

For Petitioner : Mr.V.Anand.

For Respondent : Mr.Niranjan Rajagopalan
for M/s.G.R. Associates.

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 forward with the present Writ Petition seeking for issuance of mandamus to direct the respondent to pay a compensation of Rs.25,000/-.

3.The petitioner herein submitted an application dated 20.05.2015 under Right to Information Act, 2005 to the Public Information Officer seeking information regarding the revenue records, Patta Pass Book and details regarding UDR and Natham Survey pertaining to property at Poondhamallee and Muthialpettai, the said application was received on 21.05.2015. On 30.06.2015, the petitioner received a communication dated 28.05.2015 from PIO/Under Secretary, Revenue Department, Secretariat stating that the information sought for is not

available in the office, the same was forwarded to the Assistant Land Revenue Officer, Office of the Director of Survey and Land Records, Ezhilagam, Chennai under Section 6(3)(ii) of the RTI, Act. The communication of the PIO/Under Secretary, Revenue Department, Secretariat was marked to the petitioner on 28.05.2015 and despatched only on 29.06.2015 and delivered to the petitioner on 30.06.2015.

4. Thereafter also the said information sought for by the petitioner in his application dated 20.05.2015, has not been furnished within the stipulated time and hence as per Section 7 (2) of the Right to Information Act, 2005, the request of the petitioner ought to have been treated as "refused". Aggrieved over the same, the petitioner sent a representation dated 30.06.2015, by way of first appeal, the same was received by the authority on 01.07.2015. That being so, the petitioner received a communication dated 08.07.2015 from one S.Suriyakumar, PIO/Assistant Director, Land Survey Department, Ezhilagam, Chennai stating that the RTI application dated 20.05.2015 has been received only on 06.07.2015 and further informed that under Section 6(3)(ii) of RTI Act, the petitioner's application dated 20.05.2015 has been transferred to PIO/Deputy Tahsildar, Purasaiwalkam, Chennai and PIO/Deputy Tahsildar, Poondhamallee, Chennai.

5. In the meanwhile, the petitioner received a communication from Appellate Authority/Deputy Secretary, Revenue Department, Secretariat, Chennai dated 16.07.2015 stating that the appeal preferred by the petitioner has been transferred to Appellate Authority/Land Revenue Officer, Office of the Director of Survey and Land Records, Ezhilagam, Chennai as per Section 6(3)(ii) of the RTI Act, 2005. Thereafter, the petitioner received another communication dated 28.07.2015 from the Assistant Land Revenue Officer, Office of the Director of Survey and Land Records, Ezhilagam, Chennai stating that the representation of the petitioner dated 20.05.2015 has been transferred to RDO, Poonamallee as per 6(3)(ii) of RTI Act, 2005. The First Appeal dated 30.06.2015, preferred by the petitioner before the Appellate Authority, Revenue Department, Secretariat has been transferred to the Appellate Authority, Ezhilagam, Chennai under Section 6(3)(ii) of the RTI Act, 2005. The Appellate Authority, Ezhilagam, Chennai, upon receiving the same has not adduced any information sought for by the petitioner. Hence, the petitioner preferred Second Appeal before the respondent on 10.09.2015 and sought for compensation under Section 20 of the RTI Act, 2005, the same is received by the respondent on 14.09.2015. But, no action has been taken by the respondent to take up the second appeal or to furnish the information as sought for by the petitioner. Hence, the petitioner filed the present writ petition before this Court.

6.The learned counsel appearing for the respondent submitted that now the respondent is prepared to dispose of the second appeal dated 10.09.2015 in CP.No.1322 of 2015 and to furnish the information sought for in the application dated 20.05.2015 within the stipulated time as fixed by this Court.

7.In view of the submission so made by the learned counsel for the respondent, this Court directs the respondent to dispose of the petitioner's second appeal dated 10.09.2015 in CP.No.1322 of 2015 and to furnish the information as sought for by the petitioner in his application dated 20.05.2015, within a period of twelve weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Chief Information Commissioner,
Tamil Nadu State Information Commission,
No.2, Theagaraya Salai,
Near Aalai Amman Koil,
Teynampet, Chennai-18.

+1cc to Mr.V.Anand, Advocate Sr.16097

W.P.No.6843 of 2016

skv(CO)
srg(29/03/2016)

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