

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7751 of 2016

S.Anandan

... Petitioner

Vs.

1.Tamil Nadu State Information Commission,
(Under RTI Act),
Teynampet,
Chennai 600 018.

2.The Public Information Officer,
Department of Geology & Mining,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032.

3.The Public Information Officer,
Department of Geology & Mining,
Mettupalayam Road,
Coimbatore 641 043.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to consider and pass orders in the appeal dated 23.12.2015 submitted by the petitioner within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.S.Navaneethan,
Additional Government Pleader

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider and pass orders in the appeal dated 23.12.2015 submitted by the petitioner within a stipulated period.

2. It is the case of the petitioner that one Ganesan is carrying on illegal quarry operations at Irumborai Village, Mettupalayam Taluk and is also quarrying gravel more than the permissible limit. In addition to that, the said Ganesan is also

causing air, water and sound pollutions in the village. Hence, the petitioner sought for certain particulars regarding the said quarry under RTI Act from the third respondent on 22.07.2015. Since no reply was received from the third respondent within 30 days, he filed an appeal before the second respondent on 28.09.2015. The second respondent also neither provided the information nor rejected his appeal, which compelled the petitioner to file a further appeal on 23.12.2015 to the first respondent. Though the same was duly served on 28.12.2015, till date, no action has been taken by the first respondent. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the first respondent to consider the appeal filed by the petitioner dated 23.12.2015, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1.Tamil Nadu State Information Commission,
(Under RTI Act), Teynampet, Chennai 600 018.

2.The Public Information Officer,
Department of Geology & Mining,
Thiru.Vi.ka.Industrial Estate, Guindy, Chennai 600 032.

3.The Public Information Officer, Department of Geology & Mining,
Mettupalayam Road, Coimbatore 641 043.

+1cc to M/S.K.GoviGanesan, Advocate Sr.13207

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rsi (CO)
srg (18/03/2016)



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