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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.07.2016

CORAM

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL**

**Writ Petition (MD). No.11740 of 2016**

K.SUDHAKAR

... Petitioner

Vs.

1 THE STATE INFORMATION COMMISSIONER,  
TAMIL NADU STATE INFORMATION COMMISSION,  
KAMADHENU SUPER MARKET BUILDINGS  
POST BOX NO. 6045]  
378, ANNA SALAI  
TEYNAMPET, CHENNAI-18

2 THE DISTRICT REVENUE OFFICER  
COLLECTORATE BUILDINGS  
THANJAVUR - 613 010.

3 THE PUBLIC INFORMATION OFFICER  
C/O. REGIONAL ASSISTANT DIRECTOR,  
ARCHAEOLOGY DEPARTMENT,  
GOVERNMENT OF TAMIL NADU  
EAST MAIN STREET,  
THANJAVUR - 613 001.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st Respondent to consider the Petitioner's Appeal Petition dated 17.8.2015 in accordance with law and pass orders in providing informations under Right to Information Act within a time frame as may be fixed by this Hon'ble Court.

For Petitioner :Mr.P.Saravanakumar

For Respondents :Mr.K.K.Senthil  
Standing Counsel for R-1  
Mr.S.Kumar,  
Addl. Government Pleader  
for RR- 2 & 3

O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

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3. According to the Petitioner, his appeal dated 17.08.2015 is pending on the file of the first respondent till date without any progress or disposal. It is also his case that he preferred a reminder appeal petition before the third respondent to issue proper and specific answers under the Right to Information Act, 2005 and specifically insisted the second respondent to comply with the provisions of Section 6(3) of Right to Information Act, 2005.

4. The grievance of the petitioner is that since there was no reply from the third respondent for a period of 30 days, on 17.08.2015, he has preferred his appeal petition before the first respondent, in which he had categorically stated the necessity in obtaining such informations. The petitioner has filed the present writ petition praying for passing of an order by this Court in directing the first respondent/Tamil Nadu State Information Commissioner to consider his appeal petition dated 17.08.2015 in accordance with Law.

5. At this juncture, this Court has perused the ingredients of Section 19 of the Right to Information Act, 2005 and is of the considered view that Section 19(3) speaks of Second Appeal being filed against the decision under sub-section 19(1) of the Act within 90 days from the date on which the decision should have been made or was actually received with the Central Information Commission or the State Information Commission. In fact, there is no time limit prescribed under the Right to Information Act, 2005 for disposal of a second appeal. Be that as it may, in view of the fact that the petitioner's second appeal is pending on the file of the first respondent, at this stage, this Court, without expressing any opinion on the merits of the pending second appeal, before the first respondent, directs the first respondent/Tamil Nadu State Information Commissioner to dispose of the petitioner's appeal dated 17.08.2015 by giving priority and in any event within a period of 45 days from the date of receipt of a copy of this order.

6. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of.

Sd/-

Assistant Registrar (AE)

Sub Assistant Registrar



VS

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THANJAVUR - 613 001.

+1CC to Spl.Government Pleader Sr.No.34773  
+1CC to Mr.K.K.Senthil, Advocate Sr.No.35063  
+1CC to Mr.PlSaravana Kumar, Advocate Sr.No.34885

GJM/AAL/MPA/13.7.16-3p-7c

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