

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 08.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN****W.P. (MD) No.16940 of 2016**

B.Balakrishna Prabu

... Petitioner

Vs.

1. The State Public Information Officer
Office of the State Public Information,
No.2, Thiyagarajar Salai,
Thenampettai,
Chennai.

2. Appellate Public Information Officer,
Keelapaavor Panchayat Union Office,
Paavurchatram,
Thenkasi Taluk,
Tirunelveli District.

3. The Public Information Officer,
Keelapaavor Panchayat Union Office,
Paavurchatram,
Thenkasi Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to provide information according to the Right to Information Act which made in petitioner's application on 01.04.2016.

For Petitioner	: Mr.S.Moorthy
For R1	: Mr.K.K.Senthil
For R2 & R3	: Mr.V.Muruganandam
	Additional Govt. Pleader

O R D E R

Heard the learned counsel for the petitioner, the learned counsel for the first respondent and the learned Additional Government Pleader for the respondents 2 and 3.



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

3. This writ petition has been filed seeking a direction to the first respondent to furnish the information as sought for by the petitioner under the Right to Information Act.

4. According to the petitioner, earlier, he filed an application before the third respondent seeking certain information. Since the required information has not been provided, he made a representation to the first respondent on 01.04.2016, under Section 7 of the said Act, since the original authority failed to furnish the information as sought for by the petitioner, within a prescribed period, as per the said Act.

5. If the original authority failed to provide any information, the only remedy open to the petitioner is to file an appeal before the appellate authority under Section 19 of the Act. Without filing of an appeal, the petitioner cannot seek any direction to furnish information.

6. In the above circumstances, the writ petition is not maintainable. Accordingly, the writ petition is dismissed. However, liberty is given to the petitioner to file an appeal before the appellate authority under Section 19 of Right to Information Act, if the petitioner so desired. No costs.

Sd/
Assistant Registrar (W)

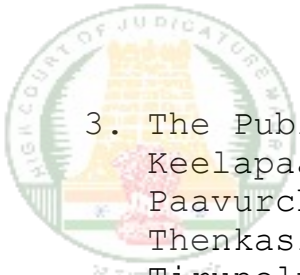
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Sub Assistant Registrar

To

1. The State Public Information Officer
Office of the State Public Information,
No.2, Thiyagarajar Salai,
Thenampettai,
Chennai.

2. Appellate Public Information Officer,
Keelapaavor Panchayat Union Office,
Paavurchatram,
Thirunelveli District.



3. The Public Information Officer,
Keelapaavor Panchayat Union Office,
Paavurchatram,
Thenkasi Taluk,
Tirunelveli District.

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+1 cc to MR.S.MOORTHY, Advocate Sr.No.50991

+1 cc to MR.K.K.SENTHIL, Advocate Sr.No.51157

+1 cc to Special Government Pleader Sr.No.51508

W.P. (MD) No.16940 of 2016
08.09.2016

SMA/PV/27/09/2016 :3P/7C