



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.12.2016

CORAM

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.23915 of 2016

and

W.M.P (MD) No.17250 of 2016

D.Samuel

..Petitioner

Vs

1.The Information Commissioner,
Tamil Nadu Information Commission,
No.2, Sir Thiagaraya Salai,
Adjacent to Alaiyamman Temple,
Teynampet, Chennai - 600 018.

2.The Appellate Authority/District Collector,
District Collectorate,
Korampallam,
Tuticorin District - 628 007.

3.The Public Information Officer/The Tahsildar,
Taluk Office,
Tuticorin District - 628 001.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent in Gen.No.28211/B/16 & 28212/B/16, dated 27.09.2016 and to quash the same as illegal and consequently to direct the first respondent to impose penalty to the third respondent by invoking sub-sections (1) and (2) of Section 20 of the Right to Information Act, 2005.

For Petitioner :M/s.Benazir Begum

For Respondent-1 : Mr.K.K.Senthil

For Respondents :Mr.A.Muthukaruppan

2 and 3 Addl.Govt.Pleader

ORDER

<https://hcservices.mca.gov.in/hcservices> Mr.K.K.Senthil, learned Standing Counsel takes notice for the first respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents 2 and 3.



2.By consent of both parties, the main Writ Petition itself is taken up for disposal, at the admission stage itself.

3.The Petitioner is aggrieved against the order passed by the first respondent on 27.09.2016, wherein and whereby, the Second Appeal preferred before the first respondent was returned, as the same was not filed within the period of limitation.

4.The learned counsel for the Petitioner submitted that though the Petitioner has specifically prayed for condoning the delay in filing the Second Appeal, in the appeal petition itself filed on 1.9.2016, the authority namely, the first respondent failed to consider such prayer and mechanically returned the appeal.

5.The learned counsel for the first respondent fairly submitted that though the authority has got the power to condone the delay, the same was not exercised and therefore for such purpose, the matter may be remitted back to the first respondent.

6.Considering all these aspects and without expressing any view on the claim made by the Petitioner, in respect of the merits of the information sought for by him, the Writ Petition is allowed and the impugned order passed by the first respondent in Gen.No.28211/B/16 & 28212/B/16, dated 27.09.2016 is set aside and the matter is remitted back to the first respondent for considering the prayer for condoning the delay in filing the Second Appeal and pass orders on the same on merits and in accordance with law. Such exercise shall be done by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The Information Commissioner,
Tamil Nadu Information Commission,
No.2, Sir Thiagaraya Salai,
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Teynampet, Chennai - 600 018.



2.The Appellate Authority/District Collector,
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3.The Public Information Officer/The Tahsildar,
Taluk Office,
Tuticorin District - 628 001.

+1cc to Mr.K.K.Senthil, Advocate Sr.No.80990

+1cc to the special Government Pleader SR.No.80622

vsn

sm:MPA:29/12/2016:3P/6C

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