

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

WRIT PETITION No.992 of 2017

V. Vijayaprakash

... Petitioner

vs.

1. Central Information Commission,
Ministry of Communications & Information Tech.,
R.No.412, IV Floor, Block-IV,
Old JNU Campus,
New Delhi - 110 067.

2. P. Muthukumaran ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the first respondent herein to dispose of the petitioner's Second Appeal dated 19.12.2015 pending before him vide CIC/BS/A/2016/001170, as well as the interim application in I.A.D.No.157397/2016 within a time frame.

For Petitioner	:	Mr.G.Vasudevan
For 1 st Respondent	:	Mr.B.Rabu Manohar
		Central Govt.
		Standing Counsel

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the first respondent to dispose of his Second Appeal dated 19.12.2015 pending before him vide CIC/BS/A/2016/001170, as well as the interim application in I.A.D.No.157397/2016, within a stipulated period.

2. According to the petitioner, he filed an application on 28.06.2015 before the Central Public Information Officer viz. Central Public Information Officer, TERM Cell, Department of Telecommunications, Kellys Telephone Exchange Building, Chennai 600 010, to furnish the information sought by him pertaining to a mobile phone connection in the name of one Muthukumaran and its usage during the year 2008, which is very essential for disposal of the pending connected matrimonial disputes as also the criminal proceedings launched against him.

3. In reply, the petitioner received a letter dated 23.07.2015 from the Information Officer, furnishing only part of the information. Further, a letter dated 13.08.2015 was issued to the petitioner with liberty to file an appeal to the First Appellate Authority, viz. Deputy Director General, TERM, Chennai. Accordingly, the petitioner filed a First Appeal before the Appellate Authority on 17.09.2015, which was disposed of on 16.10.2015. Since the Appellate Authority also failed to furnish the entire information sought by him, the petitioner preferred a Second Appeal under Section 19 of the Right to Information Act, 2005 to the 1st respondent on 19.12.2015 and the same was numbered as CIC/BS/A/2016/001170. The petitioner also filed an Interim Application for a direction in I.A.D.No.157397/2016, seeking an order of interim direction and the same is also pending before the 1st respondent.

4. The grievance of the petitioner is that the delay in furnishing the information sought by him would cause serious prejudice and hardship to substantiate his claim and also to give a clear chit in the criminal proceedings pending against him. It is also his stand that since the Central Public Information Officer has already followed third party procedures under the Right to Information Act, no prejudice would be caused to the said Muthukumaran, i.e. the 2nd respondent, if the information sought by him is furnished by the Second Appellate Authority under the RTI Act.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the facts and circumstances of the case and without going into the merits of the case, this Court directs the 1st respondent to dispose of the petitioner's Second Appeal dated 19.12.2015 pending before him, on merits and in accordance with law, after giving notice to the parties concerned, and pass appropriate orders, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

aeb

To:

The Central Information Commission,
Ministry of Communications & Information Tech.,
R.No.412, IV Floor, Block-IV,
Old JNU Campus,
New Delhi - 110 067.

+1cc to Mr.B. Rabu Manohar, Advocate, S.R.No.2986

+1cc to Mr. G. Vasudevan, Advocate Sr.No.2977

EV(CO)

md(07/02/2017)

W.P.No.992 of 2017



WEB COPY