

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

DATED :24.07.2017
CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P(MD) .No.13577 of 2017

M.Anbuchelvan

... Petitioner

Vs

The Central Information Commission
rep. by its The Central Information
Commissioner/2nd Appellate Authority
under Right to Information Act
2nd floor, August Kranti Bhavan
Bhikaji Cama Place,
New Delhi - 110 066.

... Respondent

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent herein to consider and pass appropriate orders on the second appeal petition filed by the petitioner dated 10.08.2016 under Section 19 of the Right to Information Act, 2005 and resubmitted on 12.04.2017 after compliance.

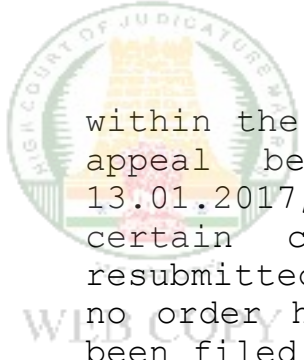
For petitioner : Mr.A.Saravanan.
For respondents : Mr.S.Jeyasingh,
Central Govt. Standing Counsel.

ORDER

The petitioner seeks for a direction to the respondent herein to consider and pass appropriate orders on the second appeal filed by him dated 10.08.2016 under Section 19 of the Right to Information Act, 2005 and resubmitted on 12.04.2017 after compliance.

2. Mr.S.Jeyasingh learned Central Government Standing Counsel takes notice for the respondent. By consent, this Writ Petition itself is taken up for final disposal.

3.The case of the petitioner is that he approached the Central Public Information Officer/Deputy General Manager (HR), Madurai on 28.07.2016 seeking information in respect of tower location of police officials for the period between 09.10.2015 to 11.10.2015. The Central Public Information Officer / Deputy General Manager (HR), Madurai, by its letter dated 17.08.2016 refused to furnish the said information. Aggrieved over the same, the petitioner filed an appeal before the General Manager, BSNL, Madurai, on 30.08.2016. The first appellate authority, namely, the General Manager, BSNL, Madurai, has not furnished the information



within the stipulated time. Hence, the petitioner filed the second appeal before the respondent commission on 08.12.2016. On 13.01.2017, the respondent returned the above second appeal for certain compliances. After such compliance, the petitioner resubmitted the second appeal on 12.04.2017. Even then till date no order has been passed. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that it would suffice if the second appeal of the petitioner is disposed of, by the respondent, on merits and in accordance with law, within the time stipulated by this Court.

5. The learned Central Government Standing Counsel appearing for the respondent would submit that the second appeal of the petitioner will be considered in accordance with law.

6. In view of the above, without going into the merits of the claim made by the petitioner, the respondent is directed to pass appropriate orders on the second appeal filed by the petitioner dated 08.12.2016, which was resubmitted on 12.04.2017, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of as above. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

The Central Information
Commissioner/2nd Appellate Authority
under Right to Information Act
2nd floor, August Kranti Bhavan
Bhikaji Cama Place,
New Delhi - 110 066.

+1cc to M/S. S.JAYASINGH, Advocate, SR.No.67049.
+2cc to M/S. A.SARAVANAN, Advocate, SR.No.67048.

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24.07.2017