



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.19809 of 2017

S.Senthamil Selvan

... Petitioner

-Vs-

1.The Tamil Nadu State Information Commission,
No.2, Theagaraya Salai, Near Alai Amman Koil,
Teynampet, Chennai-600 024.

2.The District Revenue Officer,
District Revenue Office, Thanjavur.

3.The Public Information officer/ Direct Assistant (Public),
Thanjavur District Collectorate Office,
Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to furnish the information within a time frame limit, based on the petitioner's Right to Information application dated 25.03.2017 under Section 6 of Right of Information Act 2005.

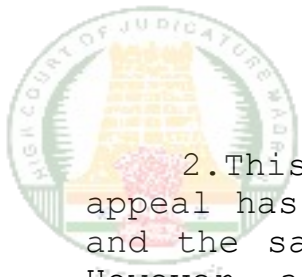
For Petitioner : Mr.C.Ezhilarasu

For R1 : Mr.K.K.Senthil

For R2 & R3 : Mr.S.Alaguthevan,
Special Government Pleader.

O R D E R

The Writ Petitioner filed an application on 25.03.2017 under Section 6 of Right to Information Act, 2005, before the 3rd respondent. The 3rd respondent denied to furnish the information. Hence, the petitioner moved the 2nd respondent. The 2nd respondent rejected the Writ Petitioner's appeal. Therefore he filed a second appeal before the 1st respondent on 29.06.2017. Since the appeal was not disposed of, the present Writ Petition has been filed for directing the 3rd respondent to furnish the information sought for.



2. This Court is of the view that when a statutory second appeal has been filed by the petitioner before the competent body, and the same is pending, this Writ Petition is not maintainable. However, a direction can be given to the 1st respondent to dispose of the pending second appeal.

3. On these circumstances, this Court directs the 1st respondent to dispose of the second appeal filed by the petitioner dated 29.06.2017, as expeditiously as possible. If the appeal filed by Writ Petitioner is not in order and it is not conforming to the procedural requirements, the same can be returned, so that the writ petitioner can re-present the same. The matter cannot be simply kept pending. Considering the nature of relief given in this Writ Petition, formal issuance of notice to the 1st respondent can be dispensed with. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar

To

1. The Tamil Nadu State Information Commission,
No.2, Theagaraya Salai, Near Alai Amman Koil,
Teynampet, Chennai-600 024.

2. The District Revenue Officer,
District Revenue Office, Thanjavur.

3. The Public Information officer/ Direct Assistant (Public),
Thanjavur District Collectorate Office, Thanjavur.

+One cc to Mr.C.Ezhilarasu, Advocate, SR.No.83990
+One cc to Mr.K.K.Senthil, Advocate, SR.No.83989
+One cc to The Special Government Pleader, SR.No.84121

dss/kmi

RL/7C/2P/SV/MMS/SAR4/15/11/2017