

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

DATED: 30.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.19932 of 2017**

Mohideen Abdul Kadar

... Petitioner

Vs.

1. The State Public Information Commissioner
No.2-E,Thiyagaraya Salai,
Near Aalaiaimman Temple,
Teynampet,
Chennai.

2. The First Appellate Authority under RTI Act/
The Assistant Director of Town Panchayat,
Sivagangai Zone,
Sivagangai.

3. The Public Information Officer under RTI Act/
The Executive Officer,
Kamuthi Selection Level Town Panchayat,
Kamuthi, Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider and dispose of the petitioner's second appeal dated 07.02.2017 within a time frame fixed by this Court and pass such further Order.

For Petitioner : Mr.A.Mohamed Yusuf
For R.1 & R.2 : Mr.M.Alagathevan,
Special Government Pleader
For R.3 : Mr.R.Velmurugan

O R D E R

This writ petition has been filed, seeking a direction to the respondent to consider and dispose of the petitioner's second appeal
<https://hcservices.ecourts.gov.in/hcservices/>
dated 07.02.2017.



2. Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondents 1 and 2. Mr.R.Velmurugan, learned Counsel, takes notice for the third respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he had sought for certain information from the Public Information Officer, by raising fifteen queries regarding Kamuthi Town Panchayat and the said Officer has issued proceedings dated 28.12.2016, stating that he had declined to furnish details under Section 7(9) of the Act. Aggrieved by the same, he had preferred first appeal dated 31.12.2016 before the First Appellate Officer, Sivagangai, who in turn directed the third respondent to give information. Pursuant to which, the third respondent has issued proceedings dated 31.01.2017, giving insufficient information with regard to query Nos.1, 2, 6, 7, 9 to 11, 13 & 14 and aggrieved by the same the petitioner again preferred Second Appeal dated 07.02.2017 to the first respondent under Section 19(3) of the Act and the same has been kept pending without any further progress and hence, the petitioner is before this Court with the above relief.

4. At this juncture, the learned counsel for the respondents 1 & 2 would submit that the respondents are inclined to pass final orders on the second appeal of the petitioner dated 07.02.2017 within a stipulated time fixed by this Court.

5. Considering the limited scope of the relief sought for in the prayer, this Court, without going into the merits of the case, directs the first respondent to consider and dispose of the petitioner's second appeal dated 07.02.2017 on its own merits and in accordance with law if not disposed earlier, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.



6. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To:

1. The State Public Information Commissioner
No.2-E, Thiyagaraya Salai,
Near Alalaiamman Temple,
Teynampet,
Chennai.
2. The First Appellate Authority under RTI Act/
The Assistant Director of Town Panchayat,
Sivagangai Zone,
Sivagangai.
3. The Public Information Officer under RTI Act/
The Executive Officer,
Kamuthi Selection Level Town Panchayat,
Kamuthi, Ramanathapuram District.

+1cc to M/S.A.MOHAMED YUSUF, Advocate SR.No.84390.
+1cc to Special Government Pleader in SR.No.84385.

W.P (MD) No.19932 of 2017
30.10.2017

rm
SDS/JC/SAR 4/09.11.2017/3P/6C