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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.20031 of 2017

A.Raj Mohan ... Petitioner

-vs-

1. Public Information Officer,
   The Sub Collector,
   Office of the Sub Collector,
   Tamil Nadu Government,
   Kumbakonam.

2. The Tamilnadu Information Commission,
   1st Floor Kamathenu Sirapuangadi,
   No.378, Annasalai, Tenampettai,
   Chennai-600 018. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the order passed by the 2nd respondent and quash the same in Letter.C.No.9996/B/2017 dated 27.04.2017 as violation of Principle of Natural Justice and direct the respondents to give affordable opportunity to the petitioner.

For Petitioner : Mr.M.A.Abdul Muthalif

For R1 : Mr.T.S.Mohamed Mohideen
Addl. Govt. Pleader

For R2 : Mr.K.K.Senthil

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O R D E R

This writ petition has been filed, seeking to quash the order passed by the 2nd respondent in Letter.C.No.9996/B/2017 dated 27.04.2017, by which, the appeal filed by the petitioner was refused to be entertained on the ground of delay and laches. The petitioner also sought a direction to the respondents to give affordable opportunity to him.

2. Mr.T.S.Mohamed Mohideen, the learned Additional Government Pleader takes notice for R1 and Mr.K.K.Senthil, learned counsel for R2. By consent, the writ petition is taken up for final disposal at the admission stage itself.

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3. The case of the petitioner is that he had inherited a land from his ancestor and also applied for change of patta. While so, in the year 2014, he came to know that the same was cancelled and upon consultation with an expert in law, it was informed that such cancellation would not be valid in the eye of law. It is the further case of the petitioner that he made an application to the 1st respondent asking for certain details, for which, a reply was sent to him stating that pursuant to pending proceedings, the information sought cannot be given. Aggrieved by the same, the petitioner preferred 1st appeal before the District Collector, in which he was advised to approach the 2nd respondent for his remedy and pursuant thereto, he has filed 2nd appeal before the 2nd respondent, which was not even taken on file, stating that it was not filed within time. Aggrieved by the overall attitude of the respondents, the petitioner is before this Court with the above prayer.

4. The learned Additional Government Pleader appearing for R1 and the learned counsel for R2 would submit that the information sought by the petitioner does not fall within the purview of RTI Act. It was further submitted that the appeal has been belatedly filed and therefore, it was refused to be entertained.

5. At this juncture, the learned counsel for the petitioner would submit that on account of some inevitable circumstances, the petitioner was unable to file the 2nd appeal in time and he is ready to offer his explanation to the 2nd respondent for such delay by way of representation.

6. In view of the above submission, the petitioner is directed to re-present the 2nd appeal to the 2nd respondent along with a representation duly stating the reasons for the delay occurred in filing the 2nd appeal within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same and upon consideration, the appeal shall be entertained, if it is otherwise in order and necessary orders passed thereon on merits and in accordance with law, within a period of twelve weeks thereafter, after affording an opportunity of hearing to the petitioner and other interested parties.

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

Sd/-
Assistant Registrar(CS-II)

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Sub Assistant Registrar

To:

The Public Information Officer,
The Sub Collector,
Office of the Sub Collector,
Tamil Nadu Government,
Kumbakonam.

+1cc to Mr.M.A.Abdul Muthalif, Advocate Sr.No.85098
+1cc to Spl.Government Pleader Sr.No.85044
+1cc to Mr.K.K.Senthil, Advocate Sr.No.84898

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