



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 22.02.2017

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**

**W.P(MD)No.3053 of 2017**

C.Sivaraman

..Petitioner

Vs

1. Tamilnadu State Information Commission,  
represented by its State Information Commissioner,  
Old No.272, New No.378,  
Aliyar Salai,  
Teynampet,  
Chennai - 600 028.
  2. The Additional Commissioner (RR),  
Revenue and Disaster Management Redressal Department,  
Ezhilagam,  
Chennai.
  3. The District collector,  
Sivagangai District.
  4. The District Revenue Officer,  
District Collector Office,  
Sivagangai.
  5. The Public Information Officer Cum  
Personal Assistant to District Collector,  
District Collector Office,  
Sivagangai.
- ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to provide the Respondents copies of statements made by the Superintending Engineer, Madurai and Village Administrative Officer, Kazhanivasal Village, Karaikudi Taluk, Sivagangai District before the 3rd Respondent on 5.5.2016 in his proceedings Na.Ka.C3/3798/2016 dated 29.4.2016.



For Petitioner : Mr.N.Balakrishnan  
For R-1 : Mr.K.K.Senthil for R1  
For R-2 to R5 : Mr. A.Muthukaruppan  
Additional Government Pleader.

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**ORDER**

Mr.K.K.Senthil, learned counsel takes notice for the first respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for respondents 2 to 5.

2. By consent of parties, the main Writ Petition itself is taken up for final disposal.

3.This Writ Petition is filed seeking for a direction to the respondents to provide the copies of the statements made by the Superintending Engineer, Madurai and Village Administrative Officer, Kazhanivasal Village, Karaikudi Taluk, Sivagangai District, before the third Respondent on 05.5.2016 as per proceedings Na.Ka.C3/3798/2016 dated 29.4.2016.

4.In effect, the petitioner by way of this writ petition is seeking certain informations from the fifth respondent under the Right to Information Act.

5. The learned counsel for the petitioner submitted that when the fifth respondent has not furnished information, the petitioner preferred an appeal before the first appellate authority and thereafter, a second appeal before the second appellate authority on 05.11.2016 and the same is still pending and not yet disposed of. The learned counsel further pointed out that a reminder letter was also sent by the petitioner on 25.01.2017 to the first respondent.

6. When admittedly a second appeal filed under the Right to Information Act, is pending before the first respondent, the petitioner is not entitled to file the present writ petition seeking for furnishing of information, without seeking for the disposal of the second appeal pending before the first respondent. In other words, it is for the first respondent to consider and decide the second appeal pending before him, on merits and in accordance with law.

7. Therefore, without expressing any view on the claim made by the petitioner on the merits of the case, I only direct the first respondent to consider the second appeal filed by the petitioner, dated 05.11.2016, followed by a reminder, dated 25.01.2017 and on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



With the above direction, this Writ Petition is disposed of.  
No Costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The State Information Commissioner,  
Tamilnadu State Information Commission  
Old No.272, New No.378,  
Aliyar Salai,  
Teynampet,  
Chennai - 600 018.
2. The Additional Commissioner (RR),  
Revenue and Disaster Management Redressal Department,  
Ezhilagam,  
Chennai.
3. The District collector,  
Sivagangai District.
4. The District Revenue Officer,  
District Collector Office,  
Sivagangai.
5. The Public Information Officer Cum  
Personal Assistant to District Collector,  
District Collector Office,  
Sivagangai.

+1 CC to M/s.N.BALAKRISHNAN, Advocate, SR No.9993  
+1 CC to M/s.K.K.SENTHIL, Advocate, SR No. 10192  
+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 9707.

PM

PSM/RSK/SAR3/06.03.2017/3P/9C

W.P (MD) No.3053 of 2017  
22.02.2017