

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30056 of 2018
and WMP No.35070 of 2018

N. Anbalagan

.. Petitioner

Vs.

1. Tamilnadu State Information Commission,
No.2, Theagaraya Salai, Near Aalai Amman Kovil,
Teynampet, Chennai 18.
2. The Asst. Executive Engineer,
Water Resources of office of PWD,
Vellore Lake Irrigation Subdivision,
Kallakurichi, Villupuram District. 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 1st respondent in order No.SA541/B/2016 dated 11.03.2016 quash the same consequently direct the respondents to consider the petitioner's appeal and give information to the petitioner.

For Petitioner : Mr.S.N.Subramani
For Respondents : Mr.Niranjan Rajagopal, for R1

Mr.N.Inbanathan
Addl. Govt. Pleader for R2

O R D E R

The petitioner has filed the Writ Petition seeking to quash the order passed by the 1st respondent in No.SA541/B/2016 dated 11.03.2016 and consequently direct the respondents to consider the petitioner's appeal.

2. Heard Mr.S.N.Subramani, learned counsel appearing for the petitioner, Mr.Niranjan Rajagopal, learned counsel appearing for the first respondent and Mr.N.Inbanathan, learned Additional Government Pleader appearing for the 2nd respondent.

3. The case of the petitioner is that the petitioner is residing in the Sadayampatti Village in Villupuram District. There is a Sadayampattu Lake in their Village, which is used for agricultural activities. Due to the illegal action of the encroachers, the entire agricultural activities in the village become futile. The petitioner made several representations to the authorities to remove the encroachments in the Channel. As there was no response from the second respondent for removal of encroachments and the petitioner wanted to know the status of the same, he made a representation to the second respondent under the Right to Information Act on 09.10.2015 and the petitioner also made a representation to the first respondent seeking information on 18.01.2016. However, the representation was refused by the second respondent on 11.03.2016. But the first respondent, without considering the fact that the information that is sought for by the petitioner, has rejected the same stating that the petitioner is entitled only for information and not for a direction. The order of the first respondent is thoroughly misconceived and passed without application of mind. Hence, the same is liable to be set aside. Thereafter, an Appeal was filed by the petitioner in M.P.No.1719 of 2017 before the first respondent seeking a direction to the second respondent to give information and the same is pending.

4. Hence, this Court is constrained to set aside the order in order No. SA541/B/2016 dated 11.03.2016, rejecting the petition and the first respondent is directed to consider the representation of the petition and afford him an opportunity of personal hearing, by conducting enquiry and then pass appropriate orders thereafter. The said exercise should be completed within a period of two weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. Tamilnadu State Information Commission,
No.2, Theagaraya Salai, Near Aalai Amman Kovil,
Teynampet, Chennai 18.
2. The Asst. Executive Engineer,
Water Resources of office of PWD,
Vellore Lake Irrigation Subdivision,
Kallakurichi, Villupuram District.

+1 cc to M/s.G.R.Associates, Advocate, S.R.No.83350

+1 cc to Mr.S.N.Subramani, Advocate, S.R.No.83122

+1 cc to the Government Pleader, S.R.No.83711

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RSV(CO)
SSM(21/01/2019)



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