



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.17483 of 2018

WEB COPY

T.Thiruvengadasamy

... Petitioner

vs.

1.The Chief Information Commissioner

Cum Second Appellate Authority

No.2, Thiyagaraya Salai,

Near to Alaiamman Kovil,

Thenampet, Chennai-600 018.

2.The First Appellate Authority

Cum Block Development Officer,

Block Development Office (Panchayat),

Sedapatti Panchayat Union,

Peraiyur Taluk, Madurai District.

3.The Public Information Officer

cum Block Development Officer,

Block Development Office (Panchayat),

Sedapatti, Peraiyur Taluk,

Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the first respondent to conduct enquiry and pass appropriate order based on the petitioner's second appeal dated 10.05.2018 filed under Section 19(3) of the Right to Information Act, 2005 for providing information to the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For R-1 and R-2 : Mr.V.Anand,
Government Advocate.

For R-3 : Mr.A.Thiyagarajan,
Standing Counsel.

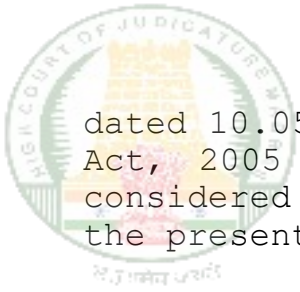
O R D E R

Mr.V.Anand, learned Government Advocate, takes notice for the respondents 1 and 2. Mr.A.Thiyagarajan, learned Standing Counsel, takes notice for the third respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>

3.It is the grievance of the petitioner that his Second Appeal



dated 10.05.2018, filed under Section 19(3) of the Right information Act, 2005 for providing some information to him, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever an appeal of this nature is made, the first respondent is duty bound to dispose the same in one way or the other. Non-disposal of the same would amount to dereliction of ordinary duties of his office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct him to dispose the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to dispose the petitioner's second appeal dated 10.05.2018 on its own merits and in accordance with law within a period of sixteen days from the date of receipt of a copy of this order if not already disposed of. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the second respondent and any other persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1.The Chief Information Commissioner
Cum Second Appellate Authority
No.2, Thiyagaraya Salai,
Near to Alaiamman Kovil,
Thenampet, Chennai-600 018.

2.The First Appellate Authority
Cum Block Development Officer,
Block Development Office(Panchayat),
Sedapatti Panchayat Union,
Peraiyur Taluk, Madurai District.

+1cc to Mr.R.Karunanidhi Advocate in sr.no.77169.

+1cc to Special Government Pleader in sr.no.77305.

Cp

DS RSK SAR-1:11.09.2018: 2P/5C