



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD).No.24855 of 2018

M. Anbuchelvan

... Petitioner

vs.

1.The Tamil Nadu State Information Commission,
Through its State Chief Information Commissioner,
No.2, Sir Thiagaraya Salai,
Adjacent to Alaiyamman Temple,
Teynampet, Chennai - 18.

2.The Registrar,
Tamil Nadu State Information Commission,
No.2, Sir Thiagaraya Salai,
Adjacent to Alaiyamman Temple,
Teynampet, Chennai - 18.

.. Respondents

PRAYER:- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the Second Appeal application dated 23.11.2018 filed by the petitioner under Section 19 of the Right to Information Act, within a stipulated time.

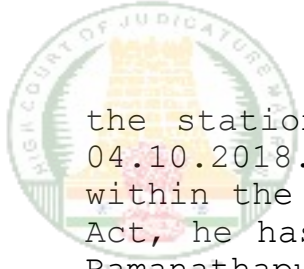
For Appellant : Mr. S. Muthukumar

For Respondents : Mr. K.K.Senthil

ORDER

This Writ Petition is filed to issue a Writ of Mandamus directing the respondents to dispose of the Second Appeal application dated 23.11.2018, filed by the petitioner under Section 19 of the Right to Information Act, within the stipulated time.

2. The petitioner submits that he has instituted various proceedings before this Court as well as the other Courts against one Inspector of Police Viz., Thiruvanandham, who instituted a put up and false case against the petitioner. The said Inspector of Police has been transferred to various places after the cases were registered and now, he is working in Ramanathapuram District. But, the petitioner is not aware where exactly the concerned Inspector of Police is working in Ramanathapuram District. Hence, he sought for information before the authority to give an information regarding



the station where the said Inspector of Police is working as on 04.10.2018. Since the petitioner has not received any information within the 30 days time as prescribed under the Right to Information Act, he has filed the First Appeal before Superintendant of Police, Ramanathapuram District on 12.11.2018 under the RTI Act. In the mean time, the Public Information Officer-cum- Additional Superintendant of Police, Ramanathapuram District, Ramanathapuram, by its letter dated 10.11.2018 enclosing the memorandum dated 02.11.2018, wherein it is stated that the information sought for by the petitioner under the RTI Act is exempted under the purview of Section 8(i) (j) of RTI Act, as well as an order relying Apex Court. The First Appellate Authority has also enclosed the same memorandum and rejected the request made by the petitioner herein. Hence, the petitioner is having no other option filed the Second Appeal dated 23.11.2018 before the respondents.

3. The learned counsel appearing for the petitioner stated that the petitioner is in urgent of getting information for making necessary amendment in the cause title in various proceedings pending and prayed for a direction to the respondents to issue him with necessary particulars.

4. The learned counsel appearing for the respondents submitted that the appeal filed by the petitioner was received by the respondents only on 26.11.2018 and thereafter, within 20 days i.e on 13.12.2018 the petitioner has filed the present petition. He further submitted that as the appeal has been filed very recently, he seeks three months time for giving information. Since there are many appeals are pending consideration and only as per the seniority they can taken up the appeal.

5.. Considering the facts and circumstances of the case, this Court is inclined to dispose of the Writ Petition with the following direction:

"The respondents are directed to consider the appeal filed by the petitioner dated 23.11.2018 and dispose of the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order."

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

SD

ASSISTANT REGISTRAR (CO)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS IV)



To

1.The Tamil Nadu State Information Commission,
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2CC TO MR. S. MUTHUKUMAR, ADVOCATE SR 100877

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