



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.11.2018

CORAM :

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

W.P. (MD) No.21152 of 2018

WEB COPY

S.M.A.Gandhimathi Nathan

.... Petitioner

Vs.

1. The State Information Commissioner
Tamil Nadu Information Commission
No.2, Theagaraya Salai
Near Aalai Amman Kovil
Teynampet, Chennai- 600 018.

2. The Appellate Authority/ Joint Director
Department of Geology and Mining
Thiru.Vi.Ka Industrial Estate
Guindy, Chennai- 600 032

3. The Public Information Officer/Assistant Director
Department of Geology and Mining
District Collectorate Complex
Thoothukudi, Thoothukudi District

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to issue appropriate orders against the third respondent under Section 20 of the Right to Information Act, 2005 and consequently issue direction to the third respondent to provide information to the petitioner as per the order in case No.S.A 2969/C/2018 dated 13.07.2018 passed by the first respondent within the time stipulated by this Honourable Court.

For Petitioner : Mr.I.Pinaygash

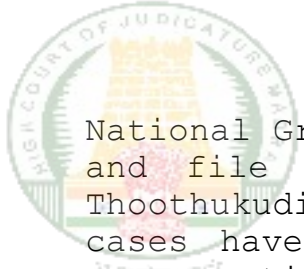
For R.1 : Mr.K.K.Senthil

For R.2 : Mr.S.Dhayalan
Government Advocate

O R D E R

The petitioner has prayed for issuance of writ of mandamus directing the first respondent to issue appropriate orders against the third respondent under Section of the Right to Information Act, 2005 and consequently direct the third respondent to provide information to the petitioner as per the order in case No.S.A 2969/C/2018 dated 13.07.2018 passed by the first respondent.

2. The petitioner is a social worker and a Member of Advisory Board in Thoothukudi District Consumer Protection Cell and also a Member of Lok Adalat and former Member of Vigilance committee of



National Green Tribunal. The petitioner used to send representation and file cases to preserve the environment and uplift the Thoothukudi District, in the interest of general public and three cases have been filed against him since he was pointing out the wrong activities of the Government. On 02.02.2018, the petitioner sought for an information under section 6 of the Right to Information Act, 2005 before the District Collector and the same was forwarded to the third respondent herein, The Public Information Officer/Assistant Director, Department of Geology and Mining, and on 14.02.2018, a photocopy of the AD (Mines) File No.GM/1/322/2016 (Office Note and Current File) and a photocopy of the AD(mines) File No.GM.1/407/2016(Office Note and Current File). The third respondent has not furnished the said information and an appeal was filed before the second respondent under section 19(i) of the Right to Information Act, 2005 on 13.03.2018. On 22.03.2018 the second respondent has sent a communication to the third respondent to furnish the information as prayed by the petitioner. In spite of receiving the said communication, the third respondent has not provided the information against the non issuance of the information. The petitioner preferred an appeal before the first respondent on 14.04.2018 seeking for necessary orders for providing information. When the same was pending before the information commissioner, the third respondent Public Information Officer/Assistant Director on 06.07.2018 by proceedings in RC.No.GM.1/154/218, has furnished information regarding item No.2. On 13.07.2018, the first respondent has directed the third respondent to furnish the information as per section 7(6) of the 'Act'. Till date the third respondent has not furnished the information for item No.1 i.e Photocopy of the AD (mines) office file No.G.M.1/322/2016 (Office note and Note and Current file). The said file contains details and information about minerals with survey number of revenue villages which were identified for leasing out quarries under Tender -cum- Auction. The file is a recent file and of the year 2016 and the Information is sought for on 02.02.2018. The respondent would contend that they are searching for the same, which cannot be accepted and the respondent is taking extra -ordinary time in searching the location the said file and it is wilful act of the third respondent. In spite of clear direction from the first respondent and second respondent, the third respondent is not providing information till date. The public authorities of Geology and mining is situated only in Thoothukudi and should have been kept in its possession and they ought to have issued the same without any further delay in spite of the order passed by the first respondent, they will take proper action on the representation of the petitioner. The first respondent has not taken any steps for conducting any such proceedings. Assailing the act of the respondent, the petitioner has filed this writ petition seeking for the above prayer. From the said communication, it is clear that documents were issued to the petitioner and the other document No.2 has not been issued which is of the year 2016 and the third respondent's contention is that they are searching for the same and the same cannot be accepted. If the respondent is of the opinion

that the said file cannot be given to any other persons and if it is going to be a confidential one, then he ought to have rejected the same at the first instance itself. When he has given an undertaking before the first respondent that he will furnish the same after searching and retrieving it and later on has not furnished the same till date is not acceptable.

3. The first respondent counsel submits that he is ready to pass necessary orders as per the directions of the court and this court directs the first respondent to take appropriate action against the third respondent for not issuing or complying with the order passed within the prescribed time and further take necessary action against the third respondent to issue the second item mentioned in the petition of the petitioner as expeditiously as possible if the act permits.

4. The Writ Petition is disposed of with the above direction. No cost.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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3. The Public Information Officer/Assistant Director
Department of Geology and Mining
District Collectorate Complex
Thoothukudi, Thoothukudi District

+1cc to Mr.I.Pinaygash ,Advocate Sr.No.95903
+1cc to M/s.K.K.Senthil,Advocate Sr.No.95982
+1cc to SPL.Govt.Pleader, Sr.No.96035

AAV

KM/BK/SAR3/20.12.2018/2P/7C

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