

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16452 of 2019

E.Shanmugam

...Petitioner

Vs.

1.Tamil Nadu Information Commission,
State Information Commissioner,
O/o. State Information Commissioner,
No.2, Thyagaraja Road,
Teynampet, Chennai - 600 018

2.Public Information Officer,
Adi Dravidar Welfare Department
Secretariat, Chennai - 600 009

3.Public Information Officer,
Revenue Department
Secretariat, Chennai - 600 009

4.Public Information Officer,
District Collector Office,
Tiruvannamalai.

5.Public Information Officer,
The Revenue Divisional office,
Cheyyar.

6.Public Information Officer,
Tahsildar Office,
Vandavasi.

7.Public Information Officer,
Land Administration Commissioner,
Chetpet, Chennai - 600 005

8.Revenue Administration Commissioner,
Ezhilagam, Chempauk,
Chennai - 600 005.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent 2 to 8 herein to implement the order passed by the 1st Respondent herein in Case No.27524/manuvisaranai/D/2010 dated 11.09.2013 and signed on 19.09.2013, further direct the Respondents 2 to 8 herein to furnish the details to the Petitioner within such time frame

fixed by this Court and issue such further or other orders or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.K.Livingston

For Respondents : Mr.Niranjan Rajagopalan
For M/s.G.R.Associates
[For R1]

Mr.J.Ramesh
Additional Government Pleader
[For R2 to R8]

O R D E R

The relief sought for in the present writ petition is for a direction to direct the Respondents 2 to 8 to implement the order passed by the 1st Respondent herein in Case No.27524/manuvisaranai/D/2010 dated 11.09.2013 and signed on 19.09.2013 and further, to direct the Respondents 2 to 8 to furnish the details to the Petitioner within the time frame.

2. The learned counsel for the writ petitioner states that the petitioner submitted an application under the Right to Information Act on 22.07.2010, seeking certain informations from the Public Information Officer concerned. The application submitted by the writ petitioner was not responded and he approached the State Information Commission, who in turn passed an order on 11.09.2013, directing the Public Information Officer to provide the informations and to allow the petitioner to peruse the documents, if any.

3. The grievances of the writ petitioner is that inspite of the orders passed by the State Information Commission on 11.09.2013, no action has been taken by the Public Information Officer.

4. It is pertinent to note that the application under the Right to Information Act was submitted on 22.07.2010 and the State Information Commission passed an order on 11.09.2013 and the petitioner has not taken any further action under the Right to Information Act, wherein a penalty clause is also prescribed. Thus, the writ petitioner has not pursued his remedy vigilantly and slept over for several years and filed the writ petition after a lapse of about nine (9) years from the date of his application before the Public Information Officer and six (6) years from the date of passing of the order by the State Information Commission.

5. Under these circumstances, this Court is of an opinion that a person slept over his right, cannot wake up one fine morning and knock the doors of this Court after a lapse of 6

years for the redressal of his remedy. If at all the grievances of the writ petitioner exists as of now, it is left open to him to submit a fresh application to the competent authority under the Right to Information Act, seeking particulars or otherwise. Contrarily, such writ petitions filed after a lapse of about 6 years, cannot be entertained.

6. Accordingly, the writ petition stands dismissed on the ground of delay and laches. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The State Information Commissioner,
O/o. State Information Commissioner,
Tamil Nadu Information Commission
No.2, Thyagaraja Road,
Teynampet, Chennai - 600 018
- 2.Public Information Officer,
Adi Dravidar Welfare Department
Secretariat, Chennai - 600 009
- 3.Public Information Officer,
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The Revenue Divisional office,
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- 7.Public Information Officer,
Land Administration Commissioner,
Chetpet, Chennai - 600 005

8.Revenue Administration Commissioner,
Ezhilagam, Chepauk, Chennai - 600 005.

+1cc to Mr.Livingston, Advocate Sr.90065
+1cc to M/s.GR Associates Sr.90021
+1cc to the Government Pleader Sr.90686

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mg[col]
srg 03/12/2019