

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.43190 of 2016

R. Ramalingam

.. Petitioner

Vs.

Union of India,  
Rep. by the Chief General Manager/TA,  
Estate Section - II,  
NLC Limited, Neyveli,  
Cuddalore District - 607 801.

... Respondent

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to give the copies of the documents, proceedings and other relating documents to cancellation of the licence in the name of the petitioner relating to the Shop No.NRB6, Shopping Complex IV, Block-5, Neyveli and reallotting to one S.Mythili, W/o.R.S.Ravichandran.

For Petitioner : Ms.S.Baskaran

For Respondent : Mr.N.Nithianandam

सत्यमेव जयते  
O R D E R

The instant Writ Petition has been filed for the issuance of a Writ of Mandamus directing the respondent to give the copies of the documents, proceedings and other documents relating to cancellation of the license in the name of the petitioner with respect to the Shop No.NRB6, Shopping Complex IV, Block - 5, Neyveli, and reallotting the same to one S.Mythili, W/o.R.S.Ravichandran.

2. It is stated by the learned counsel appearing for the petitioner that the petitioner was originally a licensee under the respondent from the year 1990 and subsequently, his

license was cancelled and somebody else has been allotted the said shop.

3. On a perusal of the records, it is seen that the petitioner himself has sold his business in the year 1991 and Mythili is a person, to whom, the license is reallotted. The said copies were obtained by the petitioner under the Right to Information Act, 2005, which was issued to him on 11.12.2015. In fact, the re-allotment was done in the year 2007. In Letter No.NLC/RTI/CPIO/506/2015-4, dated 11.12.2015, the respondent had communicated that "the copy of the available information is furnished in the Annexure. Since the time limit is exceeded beyond 30 days, the entire information is furnished at free of cost under Section 7(6) of the RTI Act, 2005".

4. If the petitioner is aggrieved, it is open to him to prefer an appeal before the appellate authority. Now, the petitioner is seeking a direction to get copies of the documents from the respondent. When it was open to the petitioner to prefer an appeal under the RTI Act before the appellate authority, instead of preferring an appeal, he has come to this Court without exhausting his appeal remedy, that too belatedly. As the Writ Petition is not maintainable, the same is liable to be dismissed.

In view of the above, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

The Chief General Manager/TA,  
The Government India,  
Estate Section - II,  
NLC Limited, Neyveli,  
Cuddalore District - 607 801.

+1cc to Mr.N.Nithianandam, Advocate sr.no.24964

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