

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2019

CORAM

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

W.P.No.30963 of 2019

K.Arumugam

...Petitioner

Vs.

- 1.The Public Information Officer and
The District Collector,
Office of the Collector, Salem.
- 2.The Public Information Officer and
The Deputy Block Development Officer,
Office of the Deputy Block Development
Officer,
Omalur, Salem.
- 3.The Public Information Officer and
The Principal Secretary,
The Department of Rural Development and
Panchayat Raj,
The Secretariat, St.George Fort,
Rajaji Road, Chennai - 9.
- 4.The Block Development Officer,
Office of the Block Development Officer,
Omalur, Salem.
- 5.The Commissioner,
Office of the State Information Commissioner,
No.2, Thiyagaraya Road, Teynampet,
Chennai - 18.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 5th respondent to dispose the Second Appeal dated 01.07.2019 filed by the petitioner within a stipulated time.

For Petitioner : Mr.M.Marimuthu

For Respondents : Mr.J.Ramesh
Additional Government Pleader
[For R1 & R3]

Mr.P.S.Sivashanmugasundaram
Special Government Pleader
[For R2 & R4]

Mr.Niranjana Rajagopalan
For M/s.G.R.Associates
[For R5]

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 5th respondent to dispose of the Second Appeal dated 01.07.2019 filed by the petitioner within a stipulated time.

2. The grievances of the writ petitioner is that, against the inaction of the Public Information Officer, the writ petitioner submitted an appeal before the 5th respondent on 01.07.2019, and the said appeal is not taken up for hearing.

3. The learned counsel for the 5th respondent made a submission that the appeal filed by the writ petitioner is already numbered and on account of many number of appeals, which are under hearing, it may take some more time to dispose of the said appeal.

4. Even as per the petitioner, he submitted the appeal only on 01.07.2019 and just three months lapsed. Under these circumstances, the petitioner has to wait for some more time for the disposal of the appeal. The State Information Commission has to dispose of cases, based on the date of filing of the appeals and by following the seniority of the cases. The petitioner alone cannot be given with any priority or preference and therefore, the State Information Commission has to consider the case of the writ petitioner along with all appeals and dispose of the same as expeditiously as possible. Undoubtedly, the State Information Commission is also overburdened and many number of such appeals are being filed by the persons against the omissions or commissions of the Public Information Office is concerned. If such writ petitions are allowed and time limit is fixed by the High Court, it would be difficult for the State Information Commission to dispose of all such cases. The Practical difficulties, number of appeals to be decided by the State Information Commission, all to be considered by the High Court even for issuing such a direction for speedy disposal.

5. This apart, only on exceptional circumstances, if there are some mitigating facts, then alone, the High Court can interfere and issue suitable direction for speedy disposal and not otherwise. A direction for speedy disposal cannot be granted by the High Court in a routine manner. Thus, the State Information Commission has to formulate a scheme for the early disposal of all the cases and they have to proceed accordingly. Contrarily, the petitioner cannot seek early disposal of his appeal alone and in the event of issuing any such direction, the rights of all other persons, who have preferred appeal and waiting for many years will be prejudiced. Such preference or priority cannot be granted. Priority or preference can be granted for early hearing, only if there is a genuine urgency and certain mitigating factors are placed before the High Court and not otherwise. Thus, the appeal filed by the writ petitioner has already numbered and has to be heard accordingly along with all other appeals, which all are pending before the State Information Commission.

6. With these observations, the writ petitions stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Public Information Officer and
The District Collector,
Office of the Collector, Salem.
- 2.The Public Information Officer and
The Deputy Block Development Officer,
Office of the Deputy Block Development
Officer,
Omalar, Salem.
- 3.The Public Information Officer and
The Principal Secretary,
The Department of Rural Development and
Panchayat Raj,
The Secretariat, St.George Fort,
Rajaji Road, Chennai - 9.
- 4.The Block Development Officer,
Office of the Block Development Officer,
Omalar, Salem.

5.The Commissioner,
Office of the State Information Commissioner,
No.2, Thiyagaraya Road, Teynampet,
Chennai - 18.

+1cc to Mr.M.Marimuthu, Advocate Sr.90473
+1cc to the Government Pleader Sr.91545

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srg 26/11/2019



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