



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16587 of 2019

Mohamed Sulthan

... Petitioner

-Vs-

1.Tamilnadu Wakf Board,
rep. by its Chairman,
No.1, Jaffar Syrang Street,
Vallal Seethakathi Nagar,
Chennai - 600 001.

2.Tamilnadu Information Commission,
rep. by its Registrar,
No.2, Thiagaraya Salai (Neat Alaiyamman Kovil)
Thenampet, Chennai - 600 018.

3.Appellate Authority under the
Right to Information Act,
Office of the Superintendent of Wakf/
Wakf Board No.12, Kilethar Street,
Tiruchirappalli - 620 002.

4.The Superintendent of Wakf/
Public Information Officer,
Wakf Board, No.12, Kilethar Street,
Tiruchirappalli - 620 002.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 4th respondent to furnish the information sought by the petitioner through his request dated 06.02.2018 under Section 6 of Right of Information Act, 2005 within a stipulated time frame.

For Petitioner : Mr.I.Dinesh Deepa

For Respondent : Mr.S.A.S.Alaudeen, for RR1,3 & 4

Mr.K.K.Senthil, for R2

**ORDER**

The prayer in this writ petition is for a Writ of Mandamus, directing the 4th respondent to furnish the information sought by the petitioner through his request dated 06.02.2018 under Section 6 of Right to Information Act, 2005 within a stipulated time frame.

2. Heard Mr. I. Dinesh Deepa, learned counsel appearing for the petitioner and Mr. S. A. S. Alaudeen, learned standing counsel appearing for the respondents 1, 3 and 4 and Mr. K. K. Senthil, learned standing counsel appearing for the 2nd respondent.

3. The petitioners seem to have sought for some information from the Tamil Nadu Wakf Board and since the same was not furnished, he filed an appeal before the 2nd respondent Information Commission, who also, after considering the same, passed order on 24.01.2019, directed the Wakf Board, i.e., the Public Information Officer to furnish the information sought for by the petitioner. Despite the same, information since has not been supplied by the Wakf Board, the petitioner had made a complaint on 09.04.2019 under the Right to Information Act to the 2nd respondent and the same is still pending with the 2nd respondent. Therefore, the petitioner seeks indulgence of this Court.

4. I have heard the learned standing counsel appearing for the 2nd respondent, who would submit that, the said complaint made on 09.04.2019 by the petitioner to the 2nd respondent would be decided on merits and would be disposed of at the earliest.

5. I have also heard the learned standing counsel appearing for the Tamil Nadu Wakf Board, who, even though would submit that, he wanted to get instructions, since the nature of order going to the passed in this writ petition, this Court feel that no further instructions to be obtained from the Wakf Board.

6. In that view of the matter, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The 2nd respondent is directed to dispose of the complaint dated 09.04.2019 given by the petitioner, after considering the same on merits and in accordance with law, by giving an opportunity of being heard to the petitioner as well as the respondents therein and accordingly, decide the same as early as possible."



7. With this direction, this writ petition is disposed of. No costs.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

+1 CC to M/s. I. DINESH DEEPA, Advocate (SR-77889[F] dated 26/07/2019

+1 CC to M/s. K. K. SENTHIL, Advocate (SR-78683[F] dated 30/07/2019)

Order made in
W.P. (MD) No. 16587 of 2019
26.07.2019

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JMN(17.09.2019) 3P : 3C