



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16131 of 2019

G.Venkatesan

...Petitioner

-Vs-

- 1.The Commissioner,
State Information Commission,
No.2, Sir Thiyagarayar Salai,
Elthamas Road Junction,
Adjacent Alayaman Koil,
Thenam pet, Chennai.
- 2.The Public Information Officer,
Office of the State Information Commission,
Thenam pet, Chennai.
- 3.The Appellate Information Officer,
Office of the Taluk Thasildar,
Vadipatti Taluk, Madurai District.
- 4.The Public Information Officer,
Office of the Taluk Thasildar,
Vadipatti Taluk, Madurai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to consider and pass order on petitioner's Second Appeal dated 21.02.2019 preferred under Section 19 (3) of the Right to Information Act, 2005, by considering the petitioner's Second Appeal within the time stipulated by this Court, consequently, impose the penalty against the respondents for non furnishing the information to the petitioner.

For Petitioner : Mr.R.Prakash

For R1 & R2 : Mr.K.K.Senthil
Standing Counsel

For R3 & R4 : Mr.M.Rajarajan
Government Advocate

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the first respondent to consider and pass order on the



petitioner's Second Appeal, dated 21.02.2019 preferred under Section 19 (3) of the Right to Information Act, 2005, by considering the petitioner's Second Appeal, within a time stipulated by this Court, consequently, impose the penalty against the respondents for non furnishing the information to the petitioner.

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2.Heard Mr.R.Prakash, learned counsel appearing for the petitioner, Mr.K.K.Senthil, learned Standing Counsel appearing for the respondents 1 and 2 and Mr.M.Rajarajan, learned Government Advocate appearing for the respondents 3 and 4.

3.With the consent of both sides, this writ petition is being disposed of at the admissions stage itself.

4.The petitioner, in order to get some information, has made an application to the fourth respondent and since the same has not been supplied under the Right to Information Act, he filed an appeal to the third respondent, who also has not divulged any information as sought for by the petitioner. Therefore, the petitioner has preferred second appeal before the first respondent/Commissioner, on 22.11.2018 and thereafter, the petitioner had given a reminder also on 21.02.2019 and since the same has not been decided so far, the petitioner is before this Court with the aforesaid prayer.

5.I have heard the learned Standing Counsel appearing for the respondents 1 and 2, who would submit that, since number of appeals have been filed and pending, chronologically, that appeals are taken up and after conducting enquiry, the same would be decided one by one. Therefore, within the reasonable time, the appeal filed by the petitioner would also be decided on merits.

6.Considering the said submissions made by both sides and having regard to the factual matrix of this case that the second appeal has been pending before the first respondent for more than year, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is hereby is directed to decide the second appeal filed by the petitioner, dated 22.11.2018 and pass order thereon, on merits and in accordance with law as expeditiously as possible, considering the fact that the appeal has been pending from 22.11.2018."

No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

1.The Commissioner,
State Information Commission,
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Adjacent Alayaman Koil,
Thenam pet, Chennai.

2.The Public Information Officer,
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4.The Public Information Officer,
Office of the Taluk Thasildar,
Vadipatti Taluk, Madurai District.

+1 CC to M/s.SPL GP (SR-76657[F] dated 22/07/2019)

+1 CC to M/s.R.PRAKASH, Advocate (SR-77022[F] dated 23/07/2019)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-77063[F] dated 23/07/2019)

Order made in
W.P. (MD) No.16131 of 2019
19.07.2019

rmk

JMN(06.09.2019) 3P : 8C