



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.16460 of 2019

A.Salai Sivakumar

... Petitioner

-Vs-

1.The Chief Information Commissioner cum
Second Appellate Authority,
No.2, Thiyagaraya Salai
Near to Alaiammam Kovil,
Thenampet, Chennai - 600 018.

2.The First Appellate Authority,
Executive Engineer Office
Public Work Department,
Periyar Vaigai Basin Division,
Thallakulam,
Madurai - 625 002.

3.The Public Information Officer,
Executive Engineer Office,
Public Work Department,
Periyar Vaigai Basin Division,
Thallakulam,
Madurai - 625 002.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent No.1 to conduct enquiry and pass appropriate order based on the petitioner's second appeal dated 14.11.2018 filed under Section 19 (3) of the Right to Information Act, 2005 for providing information to the petitioner within a stipulated time that may be fixed by this Court.

For Petitioners : Mr.R.Karunanidhi

For Respondents : Mr.K.K.Senthil, for R1

Mr.V.Anand, G.A. For RR2 and 3

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondent No.1 to conduct enquiry and pass appropriate order based on the petitioner's second appeal dated 14.11.2018 filed under Section 19(3) of the Right to Information Act, 2005 for providing information to the petitioner within a stipulated time that may be fixed by this Court.



2. Heard Mr.R.Karunanidhi, learned counsel appearing for the petitioner and Mr.K.K.Senthil, learned standing counsel for the 1st respondent and Mr.V.Anand, learned Government Advocate appearing for the respondents 2 and 3.

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

4. The grievance of the petitioner is that, as against the alleged inaction on the part of the respondents 2 and 3 in furnishing the information sought for by the petitioner, the petitioner has filed Second Appeal to the 1st respondent Information Commissioner on 14.11.2018 and the same is pending. Therefore, the learned counsel for the petitioner wants that, if the said appeal is decided by the 1st respondent at an early date, the petitioner would be satisfied.

5. I have heard the learned standing counsel appearing for the 1st respondent, who would submit that, since number of such appeals are pending before the Information Commissioner, as early as possible, the appeal of the petitioner, chronologically, would be taken up and decided on merits.

6. Considering the said submission made by the learned standing counsel appearing for the 1st respondent, this Court is inclined to dispose of this writ petition with the following direction:

"The 1st respondent is hereby directed to consider the appeal filed by the petitioner dated 14.11.2018 and decide the same and pass orders thereon, on merits and in accordance with law, as early as possible."

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

Sd/-

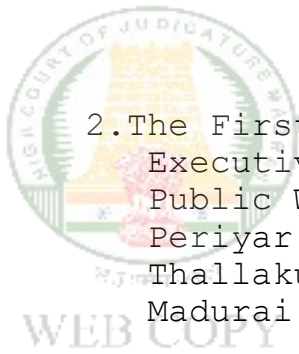
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chief Information Commissioner cum
Second Appellate Authority,
No.2, Thiyagaraya Salai
Near to Alaiamman Kovil,
Thenampet,
Chennai - 600 018.



2.The First Appellate Authority,
Executive Engineer Office
Public Work Department,
Periyar Vaigai Basin Division,
Thallakulam,
Madurai - 625 002.

3.The Public Information Officer,
Executive Engineer Office,
Public Work Department,
Periyar Vaigai Basin Division,
Thallakulam,
Madurai - 625 002.

+1 CC to Mr.R.KARUNANIDHI, Advocate SR-77157.
+1 CC to Mr.K.K.SENTHIL, Advocate SR-77516.
+1 CC to SPL GP SR-77700.

Order made in
W.P. (MD) Nos.16460 of 2019

Dated:
24.07.2019

CS(13.09.2019) 3P 7C