



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18710 of 2019

Monishkumar

...Petitioner

-Vs-

- 1.The State Information Commissioner,
State Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai-18.
- 2.The District Collector,
Pudukkottai District,
Pudukkottai.
- 3.The First Appellate Authority (Under RTI)
Superintending Engineer,
Pudukkottai Electricity Distribution Circle,
Pudukkottai.
- 4.The Public Information Officer/
Executive Engineer,
(Operation and Maintenance),
Keeranur, Pudukkottai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to consider and dispose of the petitioner's second appeal in S.A.No.16358 of 2019 within the stipulated time as fixed by this Court.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.K.K.Senthil (For R1 & R3)
Standing Counsel
Mr.P.Kannithevan (for R2)
Additional Government Pleader
Mr.Dhayalan (for R4)
Government Advocate



ORDER

The prayer sought for in this writ petition is to direct the first respondent to consider and dispose of the petitioner's second appeal in S.A.No.16358 of 2019, within a time to be stipulated by this Court.

2.Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner and Mr.K.K.Senthil, learned Standing Counsel appearing for the respondents 1 and 3, Mr.P.Kannithevan, learned Additional Government Pleader appearing for the second respondent and Mr.Dhayalan, learned Government Advocate appearing for the fourth respondent.

3.With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioner seems to have made request under Right To Information Act to the fourth respondent and since aggrieved with the inaction on the part of the fourth respondent, he seems to have preferred first appeal before the third respondent, where also, he could not get the information. Therefore, he filed second appeal before the first respondent under Right To Information Act, on 09.05.2019 and the said appeal is still pending before the first respondent. Hence, the learned counsel appearing for the petitioner would submit that, if the first respondent decides the said second appeal on merits and final order is passed thereon, the petitioner would be satisfied.

5.I have heard Mr.K.K.Senthil, learned Standing Counsel appearing for the respondents 1 and 3, who, on instructions, would submit that, number of such second appeals have been pending before the first respondent. Therefore, the petitioner's appeal also would be taken up chronologically at the earliest and accordingly, the same would be decided on merits.

6.Taking into consideration of the said submission made by the learned Standing Counsel for the first respondent, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is hereby directed to consider the second appeal filed by the petitioner, dated 09.05.2019 in respect of the information pertaining to the respondents 3 and 4 and pass order thereon, on merits and in accordance with law, as expeditiously as possible.



7. With the above directions, this Writ Petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar

Sub Assistant Registrar (CS)

rmk

To

1. The State Information Commissioner,
State Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai-18.
2. The District Collector,
Pudukkottai District,
Pudukkottai.
3. The First Appellate Authority (Under RTI)
Superintending Engineer,
Pudukkottai Electricity Distribution Circle,
Pudukkottai.
4. The Public Information Officer/
Executive Engineer,
(Operation and Maintenance),
Keeranur, Pudukkottai District.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-84314[F] dated 29/08/2019)

+1 CC to M/s.SPL GP (SR-84565[F] dated 30/08/2019)

+1 CC to M/s.K.K. SENTHIL, Advocate (SR-84929[F] dated 03/09/2019)

W.P.(MD)No.18710 of 2019

KK/SAR/02.12.2019/3P-8C/