



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.10.2019

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.21511 of 2019

M.Shahul Hameed Bathsha

... Petitioner

vs.

The Executive Engineer/
The Appellate Authority
Under Right to Information Act, 2005
Zone-Iv,
Madurai Corporation, Madurai.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to decide the above Appeal filed by the petitioner on 30.07.2019 within a stipulated time fixed by this Court.

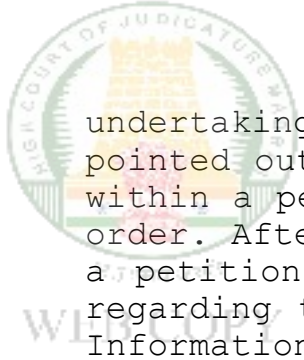
For Petitioner : Mr.Babu Rajendran
For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondent. By consent, this writ petition is taken up for final disposal at the time of admission itself.

2.The Writ Petition has been filed seeking a direction to the respondent to decide the Appeal filed by the petitioner on 30.07.2019 within a stipulated time fixed by this Court.

3.The case of the petitioner is that in order to construct a multi-storey building in Town Survey Nos.715, 716/1 and 2 and seeking exemption, the petitioner approached the concerned authorities and the Government has passed G.O. No.94 dated 28.03.1995. The petitioner has also obtained planning permission. As per the same, he has constructed the building without any deviation and has regularly paid the taxes to the authorities. On 17.02.2018, the Assistant Commissioner, Zone-IV, Madurai Corporation has issued a provisional demand notice, in which the extent of the property was mentioned more than the extent what was purchased by the petitioner. After receipt of the same, the petitioner approached the authority concerned to rectify the said error and also requested to reduce the property tax. Since no steps have been taken, the petitioner filed a Writ petition in W.P(MD) No.8214 of 2019 and this Court, by order dated 30.04.2019, disposed of the said writ petition, based on the



undertaking given by the respondent to the effect that the error pointed out by the petitioner would be rectified by the Corporation within a period of 15 days from the date of receipt of copy of that order. After receipt of the same, on 06.06.2019, the petitioner sent a petition to the Public Information Officer, seeking particulars regarding the measurement made in his property, under the Right to Information Act, 2005. The Public Information Officer has addressed a reply to the petitioner that such details cannot be furnished, as it is a "Confidential Document". Aggrieved over the same, the petitioner has preferred an appeal before the respondent on 30.07.2019 and the same is pending without any progress. Hence, the petitioner has come up with the present writ petition for the aforesaid relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who fairly submitted that the appeal filed by the petitioner would be considered by the respondent, within a time to be stipulated by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to dispose of the petitioner's appeal dated 30.07.2019, on merits and in accordance with law, after giving an opportunity of personal hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To
The Executive Engineer/
The Appellate Authority
Under Right to Information Act, 2005
Zone-IV,
Madurai Corporation, Madurai

+1 CC to M/s. BABU RAJENDRAN, Advocate SR-91695[F] dated 10/10/2019)
+1 CC to M/s. J. GUNASEELAN MUTHIAH, Advocate (SR-91701[F] dated
10/10/2019)

W.P (MD) No. 21511 of 2019
10.10.2019