

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.22620 OF 2015

P.Surendra Babu

... Petitioner

-VS-

1. The Public Information Officer
Office of Thasildar,
Dindivanam Taluk,
Villupuram District.
2. The Appellate Public Information Officer,
Cum Assistant Thasildar
Dindivanam Taluk,
Villupuram District.
3. The Chief Information Commissioner,
Tamil Nadu State Information Commission,
No.2, Sir Thiyagaraya Road,
Teynempet, Chennai - 600018. ... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Third Respondent to act in accordance with Section 20(1) and 20(2) of the RTI Act and impose suitable punishment and fine on the Respondents 1 and 2 and to ensure that its order dated 14.08.2013 is complied within a time frame.

For Petitioner : Mr.G.A.Thiyagarajan

For Respondents: Mr.D.Sathyaraj (For R1 and R2)
Special Government Pleader.

Mr.Niranjan Rajagopalan (For R3)
Standing Counsel.

O R D E R
(through video conference)

Heard Mr.G.A.Thiyagarajan, Learned Counsel for the Petitioner, Mr.D.Sathyaraj, Learned Special Government Pleader for the First and Second Respondents and Mr.Niranjana Rajagopalan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, he had made an application under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act' for short) to the First Respondent on 21.02.2012 seeking information for 6 queries and in response thereto, information was given only in respect of 2 items. In respect of the information not furnished, the Petitioner had preferred an appeal dated 27.03.2012 under Section 19(1) of the Act before the Second Respondent for which he did not yet receive any response. Thereafter, he had filed a Second Appeal under Section 19(3) of the Act before the Third Respondent, who had by an order dated 14.08.2013 issued certain directions to furnish required information to the Petitioner as mentioned therein within the time limit stipulated for the same.

3. The grievance sought to be ventilated by the Petitioner in this Writ Petition is that the information has not yet been furnished by the First and Second Respondents to the Petitioner despite the aforesaid order passed by the Third Respondent.

4. Having due regard to the fact that the scheme devised in the Act requires the State Information Commission to ensure compliance of its orders, the Third Respondent ought to have fixed time frame for the First and Second Respondents to comply with its directions passed on 14.08.2013 and posted the matter for reporting compliance. Since that exercise has not taken place, the Third Respondent shall list the aforesaid Second Appeal on 03.12.2020, and the Petitioner and the First and Second Respondents shall appear for that hearing without fail. If the Third Respondent is not in a position to take up the matter for hearing on that date, it shall inform to all parties concerned of the adjourned date of hearing in the prescribed manner. The Third Respondent shall verify whether the order has been complied by the First and Second Respondents and if not, shall take further action in accordance with law following the prescribed procedure in consonance with the principles of natural justice and shall communicate the decision taken to the parties under written acknowledgment.

5. Accordingly, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

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Sub Assistant Registrar

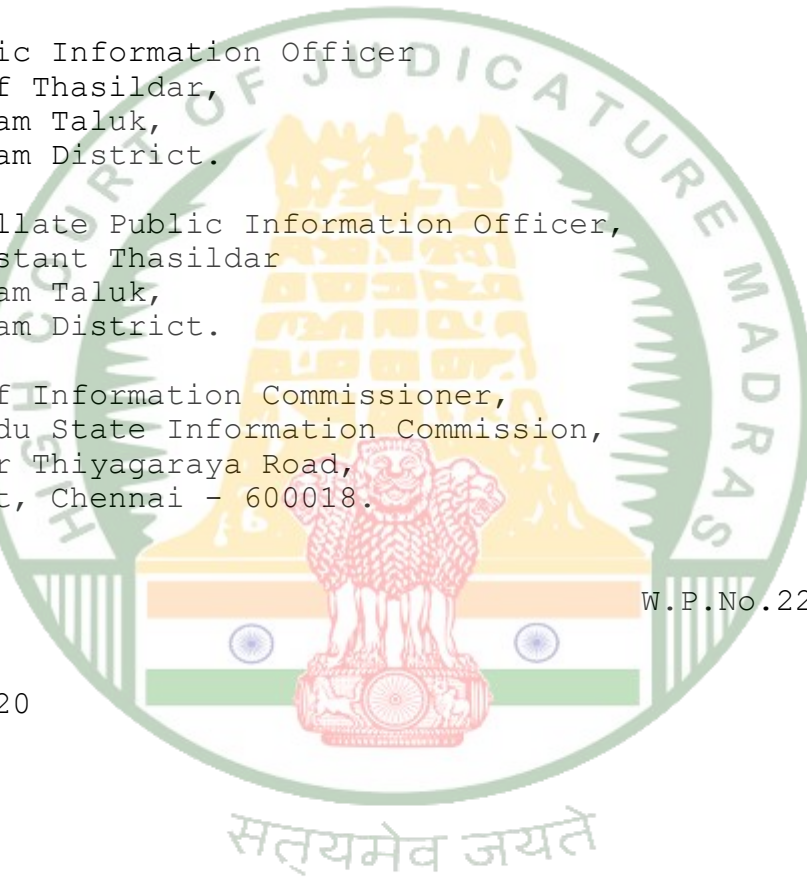
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To

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KK(CO)
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