

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

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

W.P. No. 24214 of 2012

B.Gangadurai

... Petitioner

-vs-

1.The Commissioner
Tamil Nadu Right to Information Commissioner
Sir Thiyagaraja Road, Eldoms Road Junction
Thenampet, Chennai - 18.

2.The Block Development Officer cum
Panchayat Union Office
Kattumannar Kovil
Panchayat Union, Cuddalore District.

3.The Public Information Officer
Panchayat Union Office
Kattumannar Kovil
Cuddalore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records from the First Respondent pertaining to the order in Order No.10643/B/12 dated 17.04.2012 and quash the same and consequently, direct the respondent furnish all the information to the petitioner in view of his application dated 21.12.2011 and direct them to invoke penalty provision of Sec. 20 of the Right to Information Act, 2005 and specifically award compensation of sum of Rs.25,000/- to the Petitioner.

For Petitioner : Mr. P.Vijendran

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

Mr. Niranjana Rajagopalan (For R3)

O R D E R
(through video conference)

Heard Mr. P.Vijendran, 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 Third Respondent on 21.12.2011 seeking information for 12 queries and in response thereto, he was required to remit a sum of Rs. 24,392/- for furnishing the copies of the documents sought by him. Though the amount had been paid, he was not provided with the required information. There was also no response to the appeal preferred by him to the Second Respondent, who is the Appellate Authority. Thereafter, he had filed a Second Appeal under Section 19(3) of the Act before the First Respondent, who had by an order dated 17.04.2012 required the Third Respondent to consider the application made by him and send a report of the action taken to the Tamil Nadu State Information Officer.

3. The grievance sought to be ventilated by the Petitioner in this Writ Petition is that the information has not yet been furnished to him by the Third Respondent despite the aforesaid order passed by the First 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 First Respondent ought to have fixed time frame for the Third Respondent to comply with its directions passed on 17.04.2012 and posted the matter for reporting compliance. Since that exercise has not taken place, the First Respondent shall list the aforesaid Second Appeal on 01.10.2020, and the Petitioner and the Second and Third Respondents shall appear for that hearing without fail. If the First 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 First Respondent shall verify whether the order has been complied by the Third Respondent 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.

Accordingly, the Writ Petition is disposed on the aforesaid

terms. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dm

To

- 1.The Commissioner
Tamil Nadu Right to Information Commissioner
Sir Thiyagaraja Road, Eldoms Road Junction
Thenampet, Chennai - 18.
- 2.The Block Development Officer cum
Panchayat Union Office
Kattumannar Kovil
Panchayat Union, Cuddalore District.
- 3.The Public Information Officer
Panchayat Union Office
Kattumannar Kovil
Cuddalore District.

Copy to

B.Gangadurai
S/o. Balasubramaniam,
South Street, Natha Malai,
Maniyam Aadur Post,
Kattumannar Kovil Taluk,
Cuddalore District.

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SS(CO)
GS(16/09/2020)