

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

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

W.P. No. 29638 of 2015

B. Chandrakumar

...Petitioner

-vs-

1. The Government of Tamil Nadu,
Represented by its Secretary to the Government,
Department of Revenue,
Fort St. George,
Chennai - 600 009.
2. The Director,
Land Survey Department,
District Collectorate,
Chennai - 600 001.
3. The Tahsildar,
Egmore - Nungambakkam Taluk,
Chennai - 600 031.
4. Right To Information Officer/Assistant Commissioner,
Tamil Nadu Archives,
Egmore, Chennai - 600 008.
5. The Deputy Director,
Land Survey Department,
Ezhilagam,
Chepauk, Chennai - 600 005.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the Third Respondent pertaining to the impugned order bearing No.A4/7579/2015 dated 19.08.2015 and to direct the Third Respondent to furnish to the Petitioner certified Xerox copies of the survey sketch pertaining to (A) The property bearing S.No.368, Inam Paimash No.870(part) southern Half in Pulliyur Kodambakkam Madras in Kannaka Maniyam of an extent of 9 Grounds and 2200 sq.ft., out of the total extent of 1 acre and 6 cents, and (B) The Property bearing Punja Survey No.871 (part), Pulam No.370/2 Southern Half comprised in Pulliyur Kodambakkam Madras of an extent of 4 grounds and 1124 sq.ft., out of the 1 acre; including the Block Number and Town Survey Numbers for the same.

For Petitioners: Mr. Perumbulavil Radhakrishnan

For Respondents: Mr. D.Sathyaraj,
Special Government Pleader

O R D E R
(through video conference)

Heard Mr. Perumbulavil Radhakrishnan, Learned Counsel for the Petitioner and Mr. D.Sathyaraj, Learned Special Government Pleader for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the order bearing No.A4/7579/2015 dated 19.08.2015 passed by the Third Respondent and to direct the Third Respondent to furnish to the Petitioner certified Xerox copies of the survey sketch pertaining to (A) The property bearing S.No.368, Inam Paimash No.870(part) southern Half in Pulliyur Kodambakkam Madras in Kannaka Maniyam of an extent of 9 Grounds and 2200 sq.ft., out of the total extent of 1 acre and 6 cents, and (B) The Property bearing Punja Survey No.871(part), Pulam No.370/2 Southern Half comprised in Pulliyur Kodambakkam Madras of an extent of 4 grounds and 1124 sq.ft., out of the 1 acre; including the Block Number and Town Survey Numbers for the same.

3. This Court by an order dated 31.07.2020 had passed the following self-explanatory order:-

"Learned Additional Government Pleader appearing for the Respondents submits that an enquiry has been fixed on 07.08.2020 before the Third Respondent for the appearance of the Petitioner to produce copies of the documents of title relating to the property for which information has been sought by him, and on receipt of the same, there would be inspected of the site by the official Surveyor within two weeks and after identifying its location in the FMB records maintained by the Revenue Authorities, the required information would be furnished.

2. The report of the outcome of the action taken shall be filed before the next hearing.

Post the matter under the caption 'Right to Information Act cases' on 31.08.2020."

In furtherance to the aforesaid order, Learned Special Government Pleader appearing for the Respondents has produced a copy of the order in RC. No. B4/1299/2020 dated 29.08.2020 passed by the Third Respondent with certain enclosures and the copy of the same has been furnished to the Learned Counsel for the Petitioner.

4. When it was pointed out that if the Petitioner is not satisfied with the aforesaid action taken in pursuance of the application dated 23.02.2015 made by the Petitioner under Right to Information Act, 2005, he could work out his remedy by filing appeal against the same under Section 19(1) of the Act before the Appellate Authority, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to that procedure. He has also sent a confirmatory e-mail dated 31.08.2020 to that effect, which is placed on record. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy provided by statute, the period for the date of filing of this Writ Petition, viz., 18.09.2015 till today, viz., 31.08.2020 shall be excluded.

Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

vjt/dm

To

1. The Secretary to the Government,
Department of Revenue,
Fort St. George,
Chennai - 600 009.
2. The Director,
Land Survey Department,
District Collectorate,
Chennai - 600 001.
3. The Tahsildar,
Egmore - Nungambakkam Taluk,
Chennai - 600 031.
4. Right To Information Officer/Assistant Commissioner,
Tamil Nadu Archives,
Egmore, Chennai - 600 008.
5. The Deputy Director,
Land Survey Department,
Ezhilagam,
Chepauk, Chennai - 600 005.

W.P. No. 29638 of 2015

SPD (CO)

<https://hcservices.courts.gov.in/hcservices/>
GMI (08/09/2020)