

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

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

W.P. No. 20757 of 2014

R. Thirunaavukkarasu

...Petitioner

-vs-

1.The Public Information Officer cum
Deputy Block Development Officer,
Thiruvannainallur Panchayat Union,
Villupuram District.

2.The Block Development Officer cum
Appellate Authority under RTI Act,
Panchayat Union,
Thiruvannainallur - 607 203,
Villupuram District.

3.The State Information Commission,
No.2, Thegarayar Salai, Near Aalai Amman Koil,
Chennai - 600 008.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the First Respondent to supply the information as sought for by the Petitioner in his letter dated 15.04.2013 and as directed by the State Information Commission vide its Order in No.32172/2013, dated 10.01.2014.

For Petitioner : Mr. R. Balaji

For Respondent : Mr. D.Sathyaraj (For R1)
Special Government Pleader

Mr. M.Digvijaya Pandian (For R2)

Mr. Niranjan Rajagopalan (For R3)
Standing Counsel

O R D E R
(through video conference)

Heard Mr. R.Balaji, Learned Counsel for the Petitioner, Mr. D.Sathyaraj, Learned Special Government Pleader appearing for the First Respondent, Mr. M.Digvijaya Pandian, Learned Counsel appearing for the Second Respondent, Mr. Niranjan Rajagopalan, Learned Standing Counsel appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance sought to be ventilated by the Petitioner in this Writ Petition is that the information required by him from the First Respondent has not been furnished despite the Order No.32172/C/2013, dated 10.01.2014 passed by the Third Respondent under Section 19(3) of the Right to Information Act, 2005, (hereinafter referred to as the 'Act' for short).

3. 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 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 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 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 under written acknowledgment.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msm

To

- 1.The Public Information Officer cum
Deputy Block Development Officer,
Thiruvennainallur Panchayat Union,
Villupuram District.
- 2.The Block Development Officer cum
Appellate Authority under RTI Act,
Panchayat Union,
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- 3.The State Information Commission,
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GMR (CO)
KKV/03/11/2020