



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.13812 of 2020

S.Adhiveeran

.. Petitioner

Vs.

1. The State Chief Information Commissioner,
Tamilnadu Information Commission,
No.2, Thiyagaraja Salai, Near Aalai Amman Koil,
Teynampet, Chennai - 600 018.

2. The Appellate Officer,
under Right to Information Act, 2005,
Office of the Block Developmental Officer,
Madurai East Panchayat Union,
Madurai - 625 002.

3. The Public Information Officer,
Office of the Block Developmental Officer,
Madurai East Panchayat Union,
Madurai - 625 002

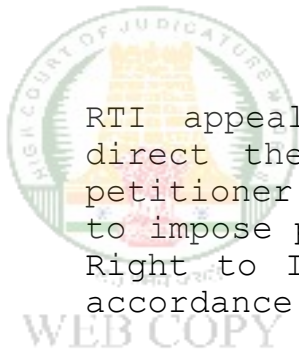
.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent No.1 to take action on the basis of the RTI appeal preferred by the petitioner dated 03.03.2020 and to direct the respondents to provide the information sought by the petitioner in his RTI Application dated 20.09.2019 and consequently to impose penalty against the respondents under Section 20(1) of the Right to Information Act, 2005 for the dereliction of the duty in accordance with law within the time stipulated by this Court.

For Petitioner	:	Mr.R.Alagumani
For Respondents	:	Mr.K.K.Senthil, for R1 Standing Counsel Mr.R.Murugan, for R2 and R3 Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus, seeking for a direction to the respondent No.1 to take action on the basis of the
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RTI appeal preferred by the petitioner dated 03.03.2020 and to direct the respondents to provide the information sought by the petitioner in his RTI Application dated 20.09.2019 and consequently to impose penalty against the respondents under Section 20(1) of the Right to Information Act, 2005 for the dereliction of the duty in accordance with law within the time stipulated by this Court.

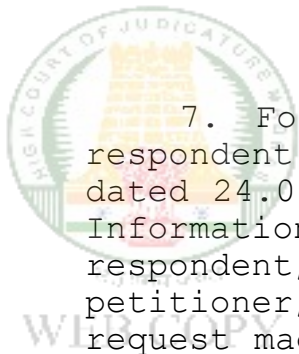
2. Heard Mr.R.Alagumani, learned counsel appearing for the petitioner as well as Mr.K.K.Senthil, learned Standing counsel appearing for the first respondent and Mr.R.Murugan, learned Additional Government Pleader appearing for the respondents 2 and 3.

3. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4. Originally, the application was submitted before the third respondent on 20.09.2019. Since the petitioner did not receive any information as sought for by him within the time specified under Sub Section (1) or Clause (a) of Sub Section 3 of Section 7 of the Right to Information Act, 2005, he preferred an appeal before the second respondent under Section 19 of the Right to Information Act, 2005 on 24.01.2020. According to the petitioner, no action was taken by the third respondent to furnish the relevant documents as directed by the second respondent. Thereafter, after completion of the statutory period, the petitioner had filed a Second Appeal under Section 19(3) of the Right to Information Act, 2005, before the first respondent on 03.03.2020. According to the petitioner, till date, no orders have been passed by the first respondent in the said Second Appeal. In such circumstances, this Writ Petition has been filed for a direction to the first respondent to dispose of the appeal preferred by the petitioner, within a time frame to be fixed by this Court.

5. The relief sought for by the petitioner is an innocuous relief and no prejudice will be caused to the respondents, if a direction sought for by the petitioner is granted by this Court. The petitioner seeks only for the early disposal of the Second Appeal, filed by him under the Right to Information Act, 2005, before the first respondent.

6. The learned Standing counsel appearing for the first respondent would submit that there are innumerable appeals pending before the first respondent under the Right to Information Act, 2005 and only on seniority basis, depending upon the year of the appeals, the first respondent will be in a position to dispose of the appeal. He would also submit that in similar matters, this Court has issued directions to the first respondent to dispose of the appeal based on the seniority of the case. Therefore, this Court is inclined to pass similar orders as was done by this Court in earlier matters filed by various other petitioners.



7. For the foregoing reasons, this Court directs the first respondent to dispose of the appeal preferred by the petitioner dated 24.01.2020 and 03.03.2020 under Section 19(3) of the Right to Information Act, 2005, which is now pending on the file of the first respondent, with regard to the information sought for by the petitioner, as per the seniority of cases. Considering the urgent request made by the petitioner, the first respondent is directed to dispose of the appeal filed by the petitioner as expeditiously as possible.

8. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (A.S)

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The State Chief Information Commissioner,
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+1 CC to Mr.K.K.SENTHIL, Advocate SR-19222.

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