



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14222 of 2020

V.Karuppu

... Petitioner

Vs

1.The District Collector,
Madurai District, Madurai.

2.The Block Development Officer,
Village Panchayat,
Kottampatti Panchayat Union,
Kottampatti, Madurai.

3.The Public Information Officer /
Deputy Block Development Officer, (Panchayat),
Kottampatti Panchayat Union,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 19.11.2019.

For Petitioner : Mr.N.Mariappan

For R-1 : Mr.C.Ramesh
Special Government Pleader

For R-2 & R-3 : Mr.M.Pandiarajan
Additional Government Pleader

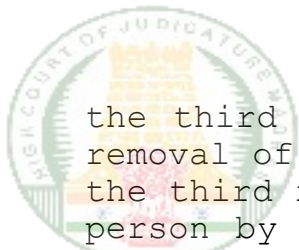
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 19.11.2019.

2. Heard Mr.N.Mariappan, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader accepts notice for the first respondent as well as Mr.M.Pandiarajan, learned Additional Government Pleader, accepts notice on behalf of the respondents 2 and 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that on 09.04.2012, he sought certain information under the Right to Information Act from

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the third respondent about the action taken by the respondents for removal of the encroachments. It is the case of the petitioner that the third respondent by a false reply dated 31.07.2012 stated that a person by name Hakkim filed a writ petition in W.P.(MD).No.3484 of 2012, which is pending on the file of this Court and in that Writ Petition, stay was granted and therefore, no action can be taken for removal of the encroachment. According to the petitioner, aggrieved by the false reply dated 31.07.2012 of the third respondent, he preferred an appeal on 08.08.2014, before the Appellate Authority, under the Right to Information Act. According to the petitioner, no notice was received by the petitioner from the Appellate Authority with regard to his appeal filed under the Right to Information Act. According to the petitioner, therefore, he was constrained to file Second Appeal in the year 2014, before the State Information Commissioner, under the Right to Information Act, which is pending ever since 2014.

4. It is the case of the petitioner that, thereafter, he filed a Writ Petition before this Court in W.P.(MD).No.8606 of 2019 and the same was disposed of by this Court, directing the Appellate Authority to dispose of the appeal filed by the petitioner under the Right to Information Act as early as possible.

5. It is further stated in the affidavit filed in support of this Writ Petition that the petitioner on 07.05.2019 appeared before the State Information Commission for the enquiry. At that time, the third respondent served the proceedings dated 03.05.2019 stating that in his reply dated 31.07.2012, the number of the Writ Petition was wrongly mentioned as W.P.(MD).No.3484 of 2020 instead of WP.(MD).No.3454 of 2012. According to the petitioner, in the proceedings dated 03.05.2019 of the third respondent, the third respondent has also clarified that there was no stay order passed in W.P.(MD).No.3454 of 2012.

6. According to the petitioner, the third respondent being a Public Information Officer, he ought not to have given a false information in his reply dated 31.07.2012 sent to him. According to him, the false information given by the third respondent on 31.07.2012 has caused mental agony and hardship to him. In such circumstances, he has given a representation dated 19.11.2019, calling upon the first respondent to initiate departmental action against the third respondent for giving false information in his reply dated 31.07.2012. According to him, till date, the said representation has not been considered by the first respondent. In such circumstances, this Writ Petition has been filed.

7. The relief sought for in this Writ Petition is an innocuous relief. The grievance of the petitioner is that by a false reply of the third respondent dated 31.07.2012, the petitioner has suffered mental agony and hardship. The petitioner further has



requesting him to initiate departmental action against the third respondent for giving a false reply. Admittedly, the said representation has not been considered by the first respondent on merits and in accordance with law. No prejudice will be caused to the respondents, if the representation of the petitioner is considered by the respondents on merits and in accordance with law.

8. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 19.11.2019, requesting the first respondent, to initiate departmental action against the third respondent for giving a false reply dated 31.07.2012, to a request made by the petitioner under the Right to Information Act and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving due notice to the petitioner as well as the third respondent.

9. With the aforesaid directions, the Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

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 District Collector,
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+1 CC to M/s.GP (SR-20046[F] dated 14/10/2020)

W.P. (MD) No.14222 of 2020

13.10.2020

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