



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.18497 of 2020

(Through Video Conference)

WEB COPY

A.Kanagaraj

... Petitioner

Vs

The Tamil Nadu State Information Commissioner,
O/o the State Information Commission,
No.2, Thiyagaraya Road,
Near Aalaimman Kovil,
Teynampettai, Chennai

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pass order on the petitioner's representation dated 18.02.2020 seeking to pass final orders in NC.1722/E/2019 pending on the file of the respondent on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondent : Mr.K.K.Senthil,
Standing counsel.

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to pass orders on the petitioner's representation dated 18.02.2020 given under Section 18 of the Right to Information Act, 2005 (hereinafter referred to as the Act) within a time frame to be fixed by this Court.

2. Mr.K.K.Senthil, learned Additional Government Pleader accepts notice for the respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that he had sought for information regarding copies of settlement documents regarding Descriptive Memoir Fair Adangal Settlement 'A' Register and column (2) in 'A' Register for the Taluk of Srivilliputtur and Rajapalayam to the Public Information Officer (hereinafter referred to as 'PIO'), Inspector of Survey and Land Records, Virudhunagar by his application dated 24.11.2015.



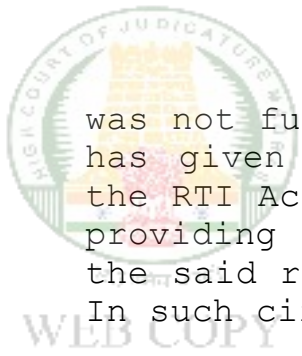
4. But according to the petitioner, the P.I.O. refused to provide answer within 30 days of the receipt of the application as mandated under Section 7 of the Right to Information Act. According to the petitioner, the PIO has also not rejected the petitioner's application as barred under Sections 8 & 9 of the Act.

5. Aggrieved over not providing the information, the petitioner preferred a First Appeal by an application dated 24.12.2015 before the second respondent under section 19(1) of the Act. According to the petitioner, the First Appellate Officer received his appeal on 28.12.2015. It is the case of the petitioner that the First Appellate officer also did not respond to the petitioner's query within the period stipulated under the Act. Therefore, according to him, he filed the Second Appeal under the Act by his letter dated 22.02.2016 to the respondent under Section 19(3) of the Act. The respondent on receiving the petitioner's second appeal has passed an interim order in Anani No.SA1818/A/2016 dated 05.06.2017 directing the PIO to give information as required by the petitioner under his application dated 24.11.2015 and to submit a report before the respondent within 30 days of the receipt of the copy of the said order.

6. According to the petitioner, while the matter stood thus, the First Appellate Officer, by his letter dated 19.06.2016 has rejected his request for the reason that the information sought by him are large in number and arise anomaly in various quarters. According to the petitioner, the PIO has misconstrued himself and misunderstood the information sought by him. It is his case that he had sought for only the statements and not the documents, as stated by the PIO and therefore, there is no hassle in providing the same to the petitioner.

7. The petitioner has made a representation on 19.09.2017 to the respondent to pass final orders in the Second Appeal preferred by him under Section 19(3) of the Act and also to pass other necessary orders. The petitioner filed W.P.(MD) No.8084 of 2019 before this Court for early disposal of second appeal filed by him under Section 19(3) of the RTI Act. By order dated 13.04.2018, this Court directed the respondents to dispose of the second appeal within a period of twelve weeks from the date of receipt of a copy of the said order. Thereafter, the second appeal was disposed of on 09.08.2018.

8. It is the case of the petitioner that the second appeal was disposed of giving a direction to the respondent to furnish the information as sought for by the petitioner under the RTI Act. Despite the directions, the documents sought for by the petitioner



was not furnished to the petitioner, and therefore, the petitioner has given a representation dated 18.02.2020 under Section 18 of the RTI Act for taking action against the erring officials for not providing the information. According to the petitioner, till date, the said representation has not been considered by the respondent. In such circumstances, this writ petition has been filed.

9. The relief sought for in this writ petition is an innocuous relief. No prejudice would be caused to the respondents if the representation of the petitioner is considered on merits and in accordance with law. It is the case of the petitioner that despite the disposal of second appeal filed under the RTI Act under section 19(3) of the Act, in his favour, the said order has not been implemented. In such circumstances, he has given a representation under Section 18 of the RTI Act, to take action against the erring officials.

10. Admittedly, the said representation has not been considered till date. No prejudice would be caused to the respondents if the representation of the petitioner is considered on merits and in accordance with law.

11. For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 18.02.2020 given under Section 18 of the RTI Act and pass final orders on merits and in accordance with law, after hearing the necessary parties including the petitioner within six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2021

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



To:

The Tamil Nadu State Information Commissioner,
O/o the State Information Commission,
No.2, Thiyagaraya Road,
Near Aalaiaimman Kovil,
Teynampettai, Chennai

Order made in
W.P. (MD) No.18497 of 2020

Dated:
15.12.2020

KM (07.01.2021) 4P 2C