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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.27741 of 2016

S.Karthikeyan

...Petitioner

-Vs-

1. The Commissioner,
O/o. Tamil Nadu Information
Commission,
No.2, Thiyagaraya Salai,
Teynampet, Near Aalaiaimman Koil,
Chennai - 600 018.

2. The Public Information Officer,
O/o. Registrar Co-Operative Housing,
Tamilnadu Housing Board Building,
Anna Salai, Nandanam,
Chennai 600 035.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the first respondent to dispose the Appeal preferred by the petitioner on 15.12.2015 within a stipulated time as this Court fixes.

For Petitioner : No Appearance

For R1 : Mr.Niranraj Rajagopalan

For R2 : Mr.S.Arumugam, Government Counsel

ORDER

The limited prayer sought for in the present petition is to direct the first respondent to dispose of the appeal preferred by the petitioner on 15.12.2015, wherein he had sought for certain information under the Right to Information Act, 2005. Since the same has not been considered till date, the present writ petition has been filed.



2. It is needless to point out that whenever an appeal/representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the appeal/representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's appeal within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

4. Accordingly, there shall be a direction to the first respondent herein to dispose of the petitioner's appeal dated 15.12.2015, if not already disposed of, on its own merits and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

1. The Commissioner,
O/o. Tamil Nadu Information Commission,
No.2, Thiyagaraya Salai,
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Near Aalaimman Koil,
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2. The Public Information Officer,
O/o. Registrar Co-Operative Housing,
Tamilnadu Housing Board Building,
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+1cc to M/s.G.R.Associates, Advocate Sr No.56111
+1cc to the Government Pleader Sr No.56186

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PMK (CO)
PR (23/11/2021)