



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17467 of 2021

A.Sikkandar

...Petitioner

Vs

1. The Public Information Officer,
Deputy Thasildhar,
Tambaram Taluk,
Kanchipuram District.

2. The Appellate Authority,
Thasildhar,
Tambaram Taluk,
Kanchipuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to furnish the information in RTI letter dated 24.08.2018 and as per the order made in S.A.No.8571/E/2018 dated 05.12.2019.

For Petitioner : Ms.R.Varalakshmi

For Respondents : Mr.S.Arumugham,
Government Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The limited prayer sought for by the petitioner in the present petition is to consider his letter dated 24.08.2018, wherein he has sought for certain information under the Right to Information Act. According to the petitioner, he has filed appeals before the second respondent herein as well as the State Information Commission seeking to direct the first respondent herein to provide the information sought for by him, pursuant to which, an order was passed by the State Information Commissioner



on 05.12.2019, directing the first respondent herein to furnish the information. But, till date, the order has not been complied with and hence, the present writ petition has been filed.

3. It is needless to point out that whenever an application/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 application/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.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's letter dated 24.08.2018, 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 respondents to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent herein to consider the petitioner's letter dated 24.08.2018 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.

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

Sd/-

Assistant Registrar(CS IX)
//True Copy//

Sub Assistant Registrar

hvk

To

1. The Public Information Officer,
Deputy Thasildhar,
Tambaram Taluk,
Kanchipuram District.



2. The Appellate Authority,
Thasildhar,
Tambaram Taluk,
Kanchipuram District.

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+1CC to M/s.R.Varalakshmi, Advocate, Sr.No.47386
+1CC to Mr.Government Pleader, Sr.No.47563

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RR (CO)
K.RK. (06.10.2021)