



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21759 of 2014

K.Mahendran

.. Petitioner

Versus

1. The Secretary to Government
Tamilnadu Housing and Urban
Development Department
Govt. of Tamil Nadu
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Public Information Officer
Besant Nagar Divisional
Tamil Nadu Housing Board
48, Dr. Muthulakshmi Salai
Adyar
Chennai - 600 020.
3. The Appellate Authority/Commissioner
Besant Nagar Division
Tamil Nadu Housing Board
48, Dr.Muthulakshmi Salai
Adyar
Chennai - 600 020.
4. The Appellate Authority/Commissioner
The Special Tahsildar - Land Acquisition
TNHB-Scheme
Tamil Nadu Housing Board
493, Anna Salai
Nandanam
Chennai - 600 035.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the respondents to consider the petitioner's appeal dated 05.06.2014 by providing necessary information sought by the petitioner under the Right to Information Act, 2005 and pass such further order.



For Petitioner : Mr.Murlaikumaran
for M/s. Mcgan Law Firm
For Respondents : Mr.R.Bharathkumar

O R D E R

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The relief sought for in this writ petition is to direct the respondents to consider the petitioner's appeal dated 05.06.2014 by providing necessary information sought by him under the Right to Information Act, 2005.

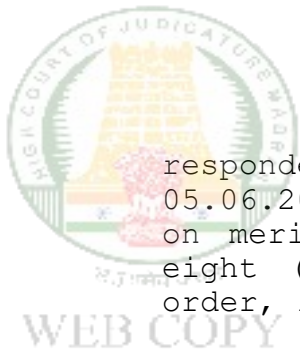
2. According to the petitioner, he sent a communication to the second respondent dated 30.08.2013 under the provisions of Right to Information Act seeking certain information relating to the lands acquired vide G.O.Ms.No.1306 dated 26.09.1991 of Housing and Urban Development Department for the purpose of Pallavaram Neighbourhood Scheme for creation of house sites and houses by Tamil Nadu Housing Board. A reply dated 12.09.2013 has been furnished to the petitioner by the second respondent, against which he preferred an appeal dated 07.11.2013 to the third respondent. Subsequently, by way of a communication dated 25.12.2013, the third respondent directed the Special Tahsildar, Land Acquisition, Tamil Nadu Housing Board to furnish necessary information to the petitioner. Since there was no response from the Special Tahsildar, he preferred another appeal dated 05.06.2014 requesting to furnish the necessary information through RTI application dated 30.08.2013. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3. Heard the submission of counsel for both sides and perused the materials placed before this Court.

4. The learned counsel for the petitioner submitted that, the petitioner has preferred an appeal on 05.06.2014, which is pending consideration before the Appellate Authority. Therefore, it would be suffice, if a direction is given to the said authority to dispose of the appeal within a time frame to be stipulated by this Court.

5. The learned counsel appearing for the respondents has no serious objection for granting such relief to the petitioner.

6. The claim of the petitioner is that the appeal preferred by him on 05.06.2014 is still pending with the appellate authority. However, the learned counsel for the respondents is not in a position to say as to whether the appeal is pending or disposed of. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the



respondents/appellate authority to consider the appeal dated 05.06.2014 filed by the petitioner and pass appropriate orders on merits thereon in accordance with law, within a period of eight (6) weeks from the date of receipt of a copy of this order, if the appeal is not already disposed of.

7. Subject to the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

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+1cc to Mr.M/s.McGan Law Firm, Advocate SR.No. 35408

+1 cc to Government Pleader Sr.No. 35408

WP No. 21759 of 2014

NR(CO)

B.VC(23.08.2021)