



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W. P (MD) No. 4297 of 2021

WEB COPY

M.Mohaideenabdulkadar

...Petitioner

Vs

1. The State Public Information Commissioner,
No.2, E, Thiyagarayarsalai,
Near Alaiamman Temple,
Theynampet, Chennai.
2. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.
3. The Pubic Information Officer,
Ramanathapuram Municipality,
Ramanathapuram.

.. Respondents

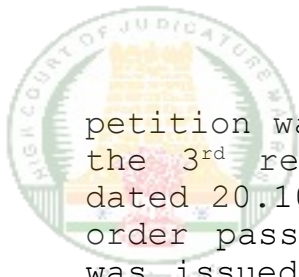
PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action against the 3rd respondent and issue direction to provide proper information sought for by the petitioner based on the application made by the petitioner on 20.10.2014 and finally on 30.12.2020 within a stipulated time as this Court may fix.

For Petitioner	: Mr.N.Vijayarajan
For Respondent 1 & 3	: Mr.K.K.Senthil
For Respondent 2	: Mr.A.Kannan

ORDER

The case of the petitioner is that he has made an application to the 3rd respondent namely, Public Information Officer, Ramanathapuram Municipality, Ramanathapuram, seeking information regarding property tax particulars for his ancestral property. As no information sought by the petitioner has been furnished, an appeal has been preferred to the 1st respondent. According to the petitioner, the 1st respondent issued direction to the 3rd respondent to provide complete information sought by the petitioner in his order dated 15.10.2015 in S.A.2965/D/2015.

2.Despite the order passed by the 1st respondent, the 3rd respondent, did not provide the information and therefore, a writ



petition was filed in W.P(MD)No.20951 of 2017 seeking a direction to the 3rd respondent to consider the application of the petitioner dated 20.10.2014 and provide him the information in the light of the order passed by the 1st respondent. Thereafter a show cause notice was issued to the 3rd respondent and in spite of all actions being taken, no orders have been passed by the 3rd respondent and therefore, the petitioner is before this Court once again.

3.This Court at the outset is of the view that the writ petition is not maintainable for a simple reason that any issue arising under Right to Information Act, the proper recourse for the petitioner is to appeal to the appellate forum provided under the said Act. In the absence of any official order being passed adverse to the interest of the petitioner, the present writ petition is not maintainable.

4.Even otherwise the petitioner has already approached this Court and direction has been issued and it is upto the petitioner to workout his remedies in terms of the earlier direction of this Court and also in terms of the direction of the 1st respondent.

5.This Court need not repeatedly give direction, which is unworkable and it is entirely within the realm of the authorities constituted under the Right to Information Act, to deal with the grievances of the petitioner and not this Court under the writ jurisdiction under Article 226 of the Constitution of India.

6.In view of the above, the writ petition stands dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The State Public Information Commissioner,
No.2, E, Thiyagarayarsalai,
Near Alaiamman Temple,
Theynampet,
Chennai.
2. The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.



3. The Public Information Officer,
Ramanathapuram Municipality,
Ramanathapuram.

+1 CC to M/s.A.KANNAN, Advocate (SR-8969[F] dated 05/03/2021)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-8628[F] dated 04/03/2021)

W.P(MD)No.4297 of 2021
03.03.2021

ES (CO)

TR(17.03.2021) 3P 6C