



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 28.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10155 of 2021
(Through Video Conferencing)

S.Sankaran @ Salomon

... Petitioner

Vs.

1.The State Information Commissioner
O/o. the State Information Commission,
No.2 Thiagaraya salai, Teynampet,
Chennai

2.The First Appellate Authority,
under Right to Information Act,
O/o. the Superintendent of Police,
Tirunelveli District.

3.The Public Information Officer,
Under Right to Information Act,
O/o. the Superintendent of Police,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent No.3 to forthwith comply the order passed by the respondent No.1 in Case No.S.A.1458/SCIC/2021 dated 15.03.2021.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.K.K.Senthil

Standing counsel for R1

Mr.S.Shanmugavel for R2 & R3

Government Advocate

ORDER

When the writ petition came up for admission on 16.06.2021, this Court passed the following order:

"Mr.K.K.Senthil, learned standing counsel takes notice for the first respondent and Mr.S.Shanmugavel, learned Government Advocate, takes notice on behalf of the respondents 2 and 3.

2.The learned counsel appearing on behalf of the third respondent submitted that pursuant to the directions issued by the first respondent, a communication has been sent to the petitioner and thereby, the order passed by the first respondent has been complied with. A copy of



the communication was also placed before this Court.

3. The learned Government Counsel shall serve a copy of the communication to the learned counsel for the petitioner. Post this case under the caption 'for admission' on 21.06.2021."

2. When the matter again came up for hearing on 21.06.2021, this Court passed the following order:

"The petitioner through an application dated 12.11.2020 has sought for certain documents and informations. This was not acted upon by the third respondent and the petitioner was made to file an appeal and thereafter, a Second Appeal and in spite of an interim direction, no proper communication is forthcoming from the third respondent.

2. The learned Government Advocate appearing on behalf of the respondents 2 and 3 submitted that the third respondent will respond to the application given by the petitioner on 12.11.2020 within this week and the same will be reported before this Court during the next date of hearing.

3. Registry is directed to post this case under the caption "Immediately after Admission" on 28.06.2021."

3. When the matter was taken up for hearing today, the learned Government Advocate submitted that the third respondent has sent a communication to the petitioner and the same has been received and acknowledged.

4. The learned counsel for the petitioner submitted that the third respondent has intentionally dragged on the proceedings without providing the particulars sought for by the petitioner. Therefore, the third respondent is liable to be proceeded against under Section 19(8) (b) of the Right To Information Act.

5. The petitioner had approached this Court on the ground that the interim direction issued by the first respondent was not complied with. During the pendency of this writ petition, the interim order passed by the first respondent has been complied with and a communication has been sent to the petitioner. The main appeal is pending before the first respondent. If the petitioner is aggrieved by the fact that there was an inordinate delay on the part of the third respondent in providing the information, it is left open to the petitioner to work out his remedy in the pending appeal before the first respondent in accordance with law.



6. The learned counsel for the first respondent submitted that the grievance of the petitioner will be taken into consideration while finally disposing of the appeal and the appeal will be taken up as per seriatum.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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 concerned.

To

1.The State Information Commissioner
O/o. the State Information Commission,
No.2 Thiyagaraya salai, Teynampet,
Chennai

2.The First Appellate Authority,
under Right to Information Act,
O/o. the Superintendent of Police,
Tirunelveli District.

3.The Public Information Officer,
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+1 CC to M/s.K.K.SETHIL, Advocate (SR-20396[F] dated 28/06/2021)
+1 CC to M/s.SPL GP (SR-20693[F] dated 30/06/2021)

W.P. (MD)No.10155 of 2021
28.06.2021

ma (CO)

TR(06.07.2021) 3P 6C