



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.339 of 2022

A. K. Velusamy

...Petitioner

Vs

1. The Secretary,
Tamil Nadu State Information Commission,
No.19, Government Estate Illam,
Pernpet, Nandanam,
Chennai-600 035.
2. The Information Officer,
O/o. District Collector,
Tiruppur, District Collector.
3. The Appellate Authority/ Tahsildar,
Taluk Office, Avinashi,
Tiruppur District.
4. The Appellate Authority/ Taluk Deputy Surveyor,
Taluk Office, Avinashi,
Tiruppur District.

... Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose the Statutory Appeal filed by the petitioner on 23.11.2021 within a stipulated time fixed by this Court.

For petitioner : Mr. C.Prakasam

For Respondents : Mr. K. Karthikeyan,
Government Advocate

ORDER

The present petition has been filed seeking a direction to the the 1st respondent to dispose the Statutory Appeal filed by the petitioner on 23.11.2021 within a stipulated time fixed



by this Court.

2. Mr. K. Karthikeyan, Government Advocate takes notice to respondents.

WEB COPY

3. The case of the petitioner is that the revenue officials for gaining personal benefits are issuing HSD patta to the ineligible persons, who after obtaining the said patta, are selling the houses to some other persons and once again making application for issuance of patta. However, the revenue officials are not issuing patta to the actual poor persons, who could not meet out the demands made by the officials. In order to approach this Court with regard to the issue by way of Public Interest Litigation, the petitioner made an application to respondents 3 & 4 seeking certain information with regard to issuance of patta to the ineligible persons and a reply was given, refusing the information sought for. Thereafter, the petitioner preferred an appeal before the 2nd respondent with regard to the same and the same was rejected. Aggrieved by the same, the petitioner had filed the 2nd Appeal before the 1st respondent on 23.11.2021. However, till date, no action has been taken on the same. Hence, the present petition has been filed seeking the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the 1st respondent to dispose of the appeal filed by the petitioner on 23.11.2021 by passing appropriate orders on the same, within the time frame fixed by this Court.

5. Learned Government Advocate for respondents submits that initially the petitioner had filed an appeal before the 2nd respondent and the same was rejected and the petitioner was requested to file an appeal before the Appellate authority/3rd respondent u/s 19(1) of the Act, however, instead of filing the appeal before the appellate authority, the petitioner has filed the 2nd appeal before the 1st respondent. Hence, the prayer sought for by the petitioner in the present petition cannot be granted.

6. Upon hearing the learned counsel on the either side, this Court without going into the merits of the case, liberty is granted to the petitioner to file an appeal before the concerned appellate Authority/3rd respondent as u/s 19(1) of the Right to Information Act, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, the 3rd respondent herein is directed to consider the same and pass appropriate orders in accordance with law, within a period of four weeks thereafter.



WEB COPY

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Secretary,
Tamil Nadu State Information Commission,
No.19, Government Estate Illam,
Pernpet, Nandanam,
Chennai-600 035.
2. The Information Officer,
O/o. District Collector,
Tiruppur, District Collector.
3. The Appellate Authority/ Tahsildar,
Taluk Office, Avinashi,
Tiruppur District.
4. The Appellate Authority/ Taluk Deputy Surveyor,
Taluk Office, Avinashi,
Tiruppur District.

+1cc to the Government Pleader, S.R.No.2725

W.P.NO.339 of 2022

VSN-II (CO)
CT 28/01/2022