



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.912 of 2022

M/s.Poshak Industries,
Rep. By its Power Agent,
Mr.V.Ramarajan.
S/o.Venkatachalam,
No.V-103, 5th Main Road,
Anna Nagar, Chennai-600 040.

...Petitioner

Vs.

1. The State Information Commissioner,
(E-Section), Tamil Nadu Information Commission,
No.19, Government Farm Village,
Panpet, Nandanam,
Chennai-600 018.
2. The Second Appellate Authority (RTI Act, 2005),
The Tamil Nadu Information Commissioner,
No.2, Thiagarayar Road, Near Aalayamman Temple,
Teynampet, Chennai-600 018.
3. The First Appellate Authority (RTI Act, 2005),
Additional Chief Secretary / Commissioner of Urban
Land Ceiling and Urban Land Tax Department,
Chepauk, Chennai-600 005.
4. The Public Information Officer,
Assistant Commissioner of Urban Land Tax, Tambaram,
No.153, Karuneegar Street,
Adambakkam, Chennai-600 088.
5. The Public Information Officer,
Assistant Commissioner,
Urban Land Tax, Tondaripet Division,
Kuralagam, 4th Floor, Broadway,
Chennai-600 108.

...Respondents



Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to dispose of the Second Appeal No.10581/E/2021 filed by the petitioner on 05.08.2021 and consequently direct the respondents to furnish the details to the petitioner claimed through RTI Act 2005 within a stipulated time fixed by this Court.

For Petitioner : Mr.V.Srinivasa Babu

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 2nd respondent to dispose of the Second Appeal filed by the petitioner on 05.08.2021 and furnish the details to the petitioner claimed under RTI Act 2005 within a time stipulated by this Court.

2. The case of the petitioner is that, he is the absolute owner of the land in Survey No.147/1A at Killambakkam Village cum Urapakkam Village, Chengalpet Taluk, Kanchipuram District. While so, the TamilNadu Highways Department has acquired the land without any prior notice of the proceedings initiated under Tamil Nadu Urban Land (Ceiling and Regulations) Act, 1978. Therefore, the petitioner made an application dated 28.04.2021 under Section 6 of the Right to Information Act, 2005 before the 4th and 5th respondents and the 5th respondent vide proceedings dated 07.05.2021, rejected the petitioner's application and directed him to approach the 4th respondent. Thereafter, the 4th respondent vide reply dated 27.05.2021 rejected the application of the petitioner on the ground that the information sought for by the petitioner under the RTI Act are not available in their records.

3. Aggrieved by the same, the petitioner preferred First Appeal before the 3rd respondent on 17.06.2021 and the 3rd respondent vide proceeding dated 13.07.2021 has also rejected the petitioner's appeal petition and directed the petitioner to approach the Thasildhar concerned for further details. Aggrieved by the order of the 3rd respondent, the petitioner preferred a Second Appeal before the 2nd respondent on 05.08.2021 and the same was acknowledged by the 2nd respondent on 06.08.2021, however, till date no action was taken. Thereafter, the petitioner made a representation dated 17.11.2021 before the 1st respondent to direct the 2nd respondent to take up the Second Appeal filed by the petitioner for enquiry and provide him with the necessary information. However, till date no order has been passed on the same. Hence, the present Writ petition is filed.



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 2nd respondent to consider the petitioner's Second Appeal dated 05.08.2021 and pass orders on the same within the time stipulated by this Court.

5. In view of the aforesaid submission, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's Second Appeal dated 05.08.2021 on merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

skt

To

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The Tamil Nadu Information Commissioner,
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5. The Public Information Officer,
Assistant Commissioner,
Urban Land Tax, Tondaripet Division,
Kuralagam, 4th Floor, Broadway,
Chennai-600 108.

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+1cc to Mr.V.Srinivasababu, Advocate SR.No.5066

W.P.No.912 of 2022

GPL (CO)
CB (02/03/2022)