

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.NO.27664 OF 2016

J.Thomas

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep. By Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600 009.

2.The Public Information Officer,
O/o. Pallavaram Municipality,
Chrompet, Chennai - 600 044.

3.The Appellate Officer,
O/o. Pallavaram Municipality,
Chrompet, Chennai - 600 044.

4.The State Information Commissioner,
Tamil Nadu Information Commission,
No.2, Theagaraja Salai,
Near Alai Ammal Koil,
Theynampet, Chennai - 600 018.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 1st respondent to issue appropriate orders to the 3rd and 4th respondents and to direct the 2nd respondent to provide the Information as sought for by the petitioner through his RTI letter dated 05.03.2014, by duly considering the representation dated 29.04.2016.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents : Mrs.V.Yamuna Devi
Special Govt. Pleader for R1 to R3

Mr.Niranjan Rajagopalan for R4

O R D E R

The prayer in the Writ Petition reads as follows:-

"directing the 1st respondent to issue appropriate orders to the 3rd and 4th respondents and to direct the 2nd respondent to provide the Information as sought for by the petitioner through his RTI letter dated 05.03.2014, by duly considering the representation dated 29.04.2016."

2.The petitioner made two queries and sought for information on 05.03.2014 to which, the 2nd respondent sent a reply stating that as regards the first query namely, the ownership of the land in which, the overhead water tank has been constructed, that it belongs to the Government.

3.As far as the second query is concerned as to whether any permission has been obtained from any authority for construction of a water tank, there was no reply. The petitioner therefore, approached the 3rd respondent / Appellate Authority on 05.05.2014. The Appellate Authority sent a reply stating that since the files are old, the information could not be taken and as soon as files are retrieved, the information sought for will be furnished. Aggrieved by such reply, the petitioner moved the second Appellate Authority / 4th respondent under Section 19(1) and (2) of the Right to Information Act, 2005.

4.The second Appellate Authority namely, the Tamil Nadu Information Commission / 4th respondent, by its order dated 26.08.2014 directed the Public Information Officer to supply the information for the left out items clearly and fully. Thereafter, there was no reply. The petitioner sent a legal notice on 29.04.2016 requesting information. Subsequently, on 18.05.2016, the Public Information Officer of the Pallavaram Municipality had sent the information regarding the second query, stating that no permission has been obtained. Thus, both the queries of the petitioner remain answered. Of course, there is a delay. It is for the 3rd respondent to take appropriate action for the delay in the manner known to law. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

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To:-

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai - 600 009.
- 2.The Public Information Officer,
O/o. Pallavaram Municipality,
Chrompet, Chennai - 600 044.
- 3.The Appellate Officer,
O/o. Pallavaram Municipality,
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- 4.The State Information Commissioner,
Tamil Nadu Information Commission,
No.2, Theagaraja Salai, Near Alai Ammal Koil,
Theynampet, Chennai - 600 018.

+1cc to M/s.G.R.Associates, Advocate Sr.No.41920

W.P.No.27664 of 2016

SV(CO)
RVM(19/07/2022)