

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16035 of 2020

K.Baskaran

... Petitioner

Vs.

1.State Information Commissioner,
No.2, Thiyagarajar Salai,
(Near Alaiyamman Koil),
Teynampet, Chennai 600 018.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram Ltd.,_)
No.3/137, Sala Medu,
Vazhuthareddy Post,
Villupuram 605 02.

3.The Deputy Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore,
Vellore District 632 009.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to take action against the 3rd respondent under section 20 of Right To information Act 2005 for not obeying his order dated 12.12.2019 and to provide information as ordered by the 1st respondent dated 12.12.2019.

For Petitioner : Mr.S.T.Varadarajalu

For Respondent : Mr.Niranjana Rajagopal for R1
Mr.C.S.Sathish
No appearance for R2

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to take action against the 3rd respondent under section 20 of Right To Information Act, 2005 for not obeying his order dated 12.12.2019 and to provide information as ordered by the 1st respondent dated 12.12.2019

2. The case of the petitioner is that he is the resident of Thimiri, Arcot Taluk, Vellore District. Earlier the respondent Corporation operated bus services from Vellore to Nagapattinam and these services are very useful to go to Nagapattinam, Nagore, Velankanni and Thirnallar and these pilgrim centres are important for Hindus, Muslims and Christians. While being so, unfortunately these services were stopped from December 2018. after these routes were cancelled, the residents of in and around Vellore District, were put to great hardship. Thereby the residents of Vellore gave representation to restore the said bus service route. Unfortunately the respondents are reluctant to take any action. Thereafter when the petitioner enquired, it was learn that some of the employees approached this Court to provide rest interval and this Court directed the respondent to provide employment as per Motor Vehicles Act. The respondent instead of taking steps to regulate the service as per the Court direction, stopped the route abruptly, which caused inconvenience to the public. Further it is alleged by the petitioner that in order to know certain information regarding operation of the said bus route, he sought certain information through application dated 29.01.2019 from the Information Officer. Since the said Officer did not furnish the information, the petitioner approached the first appellate authority by an appeal dated 14.03.2019, who also failed to provide information. Hence he approached the Tamil Nadu State Information Commissioner and the said Officer after conducting enquiry, directing the 3rd respondent to provide information sought by him. The 3rd respondent instead of giving information, gave some vague reply on 18.12.2019. Hence the petitioner again sent letters dated 08.01.2020 and 23.07.2020 to take action against the 3rd respondent for not obeying the direction of the State Information Commissioner. Even after eight months as the respondent did not provide information, the petitioner left with no other option, is constrained to approach this Court by filing this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 23.07.2020 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned counsel appearing for the 1st respondent submitted that no application for taking action against the erring officials has been filed. If any such application is filed by the petitioner, it will be considered as per Section 19 and 20 of the Rights to Information Act.

5. Though notice has been served on the 2nd respondent. no one has appeared on behalf of them. Considering the pendency of this petitioner, this Court is inclined to dispose of the matter.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. Facts in the present case is not in dispute. The grievance of the petitioner is that the order passed by the 1st respondent is not complied by the 3rd respondent and it is the claim of the petitioner that in order to take penal action against the 3rd respondent for not furnishing the information as per the order of the 1st respondent dated 12.12.2019, he made applications on 08.01.2020 and 23.07.2020 and the same were not considered. However, the learned counsel appearing for the 1st respondent made a submission that no such applications were received from the petitioner and further undertakes that if any application is filed, it will be given disposal in terms of Sections 19 and 20 of the Rights to Information Act.

8. In view of the above, this Court grants permission to the petitioner to send copy of the representations dated 08.01.2020 and 23.07.2020 along with the order copy of the 1st respondent dated 12.12.2019 to the 1st respondent, so as to enable him to take appropriate action as per Section 19 and 20 of the Rights to Information Act.

9. this Writ Petition is disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The State Information Commissioner,
No.2, Thiyagarajar Salai,
(Near Alaiyamman Koil),
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+1cc to Mr.S.T.Varadharajulu, Advocate Sr.151

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