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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28295 of 2021

A. Perumal

.....Petitioner

vs.

1. The State Information Commissioner,
No.2, Thiyagaraja Salai,
Teynampet,
Chennai-600 018.

2.The Assistant Director,
Panchayat and Public Information Officer,
(Appellate Authority)
Panchayat Union Office,
Madhuranthagam Taluk-603 306.

3. The Public Information Officers,
Panchayat Union Extension Offices (Admin),
Panchayat Union Office,
Madhuranthagam Taluk-603 306.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 & 3 to furnish the details or information sought for by the petitioner about the beneficiaries, and eligible criteria based on the petitioner's representation dated 31.01.2020 within a stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.R.Prathaban

ORDER

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing respondents 2 & 3 to provide the information sought for by the petitioner based on this representation dated 31.01.2020.



2. The case of the petitioner is that the petitioner who is a retired Deputy Tahsildar, came to know that some ineligible persons in his village, have availed the housing loan under the "BMY-Pradhan Mantri Awasa Yojana Housing Scheme " which was introduced in the year 2015 by the Central Government. Therefore, the petitioner made an application dated 31.01.2020 to the 3rd respondent/Public Information Officer under the Right to Information Act, 2005 to furnish the Information about the persons who have availed the housing loan under the said scheme for the purpose of availing the loan. However, there was no reply for the same, which resulted in filing of Appeals before respondents 1 & 2 and the information sought for by the petitioner has not been furnished. Thereafter, the petitioner has also sent a legal notice dated 25.08.2021 to the respondents with regard to the same. However, till date there has been no response from the respondents. Hence, the present Writ Petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the Respondents 2 & 3 to provide the information sought for by the petitioner based on his representation dated 31.01.2020 within the time frame fixed by this Court. Further, the learned counsel submits that this Court may permit the petitioner to file an appeal under the Right to Information Act, 2007 before the Appellate Authority/2nd respondent herein.

4. In view of the aforesaid submission, this Court is of the opinion, that when there is an appeal remedy available under the Right to Information Act, 2007, without exhausting such remedy, the petitioner has come up with the Writ Petition before this Court. Therefore, this Court without going into the merits of the case directs the petitioner to file an appeal along with the copy of this order, before the Appellate Authority/2nd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the Appellate Authority is directed to pass appropriate orders on the same in accordance with law within a period of four weeks thereafter.

5. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar



To

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+1cc to Mr.R.Prathaban, Advocate SR.No.251

W.P.No.28295 of 2021

NK(CO)
CB(21/01/2022)