



W.P(MD)No.21064 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21064 of 2015

M.Thangam

... Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Information Commission,
No.2, Thiyagaraya Road,
Teynampet, Chennai-18.

2.The District Collector,
Virudhunagar District, Virudhunagar.

3.The Public Information Officer / Tahsildar,
Taluk Office, Kariyapatti,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the first respondent in his proceedings in ஆணை எண்:CP 549/F/2015, dated 26.08.2015 and quash the same and consequently direct the first respondent to consider the complaint given by the petitioner, dated 06.05.2015.



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For Petitioner : M/s.J.Saranya
for M/s.N.Sathish Babu

For R-1 : M/s.K.K.Senthil
Standing Counsel

For R-2 & R-3 : M/s.A.Baskaran
Additional Government Pleader

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent / State Information Commission, under which, the request of the petitioner for initiating action as against the Public Information Officer for not furnishing of the information has been rejected. The State Information Commission has rejected the application of the petitioner on the ground that, the petitioner has approached the Commission beyond a period of one year from the date of the order.

2. In the Right to Information Act query, the petitioner has sought for details about two files, namely, 778/2003-2004 and 779/2003-2004. The documents relating to file No.778/2003-2004 have already been furnished to the writ petitioner and the same is also reflected in the order



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passed by the State Information Commission in their order, dated 12.04.2010. The only grievance of the writ petitioner is that the files / documents relating to Document No.779/2003-2004 have not yet been furnished.

3. From the submission of the learned Counsel for the petitioner, it is clear that these two documents relate to the transfer of patta that was standing in the name of the writ petitioner in favour of some third parties. The petitioner has been agitating to get these orders, so that, he could file an appeal before the appropriate authority. It is the contention of the Public Information Officer and the appellate authority that file relating to file No.779/2003-2004 is missing and they are not traceable.

4. In view of the above said facts, in the interest of justice, it would not be proper to again and again insist upon the revenue authorities to produce the files relating to document No.779/2003-2004. The petitioner is at liberty to approach the second respondent herein, challenging the patta transfer orders in favour of the third parties. If any such application is filed, the Revenue Divisional Officer or the District



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Revenue Officer concerned is directed to entertain such an appeal / revision without insisting upon the orders passed in file No. 779/2003-2004. In case, if the revenue authorities find that the files relating to file No.779/2003-2004 are not traceable, they shall take steps to restore the patta in favour of the petitioner, if he is otherwise eligible.

5. With the above said observation, the writ petition stands closed.

There shall be no order as to costs.

02.12.2022

Index : Yes / No
Internet : Yes / No
btr

To

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R.VIJAYAKUMAR, J.

btr

Order made in
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