



W.P.No.7161 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.7161 of 2023

K.Balchamy

...Petitioner

Vs.

1. The Tamil Nadu Information Commission,
Represented by its Secretary,
Block No.19, Government Farm Village,
Nandanam, Chennai - 600 035.
2. The Public Information Officer/
Personal Assistant (General) to the District Collector,
I Floor, Collectorate, Sivaganga - 630 562. ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to furnish the information sought for by the petitioner and consequentially direct the 1st respondent to dispose of my complaint dated 02.02.2023 pending on his file.

For Petitioner : Mr.P.S.Kothandaram

For Respondents : Mr.E.Vigneswaran, GA, for R1
: Mr.E.Veda Bagath Singh, Spl.G.P, for R2



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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 2nd respondent to furnish the information sought for by the petitioner and consequentially direct the 1st respondent to dispose of the petitioner's complaint dated 02.02.2023.

2. Mr.E.Vigneswaran, learned Government Advocate takes notice for the 1st respondent and Mr.E.Veda Bagath Singh, learned Special Government Pleader takes notice for the 2nd respondent. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner made an application dated 03.01.2022 before the 2nd respondent under Right to Information Act, seeking information with regard to the proceedings of the Assistant Settlement Officer-1, however, the same was not considered. Aggrieved by the inaction on the part of the 2nd respondent, the petitioner preferred an appeal before the First Appellate Authority, which evoked no response,



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aggrieved by which, the petitioner preferred second appeal before the 1st respondent. Upon receipt of the said appeal, the 1st respondent issued preliminary notice to the petitioner and the 2nd respondent and after hearing both the sides, the 1st respondent directed the 2nd respondent to furnish the information sought for by the petitioner, vide order dated 28.10.2022 made in case No.S.A.8547/C/2022. Despite the above said order, till date, the 2nd respondent has not furnished the information sought for by the petitioner. Therefore, the petitioner preferred a complaint dated 02.02.2023 before the 1st respondent under Section 18(1) of the Right to Information Act, 2005, however, till date, no action has been initiated on the said complainant. Hence, this petition.

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 furnish the information sought for by the petitioner and to consequently direct the 1st respondent to dispose of the petitioner's complaint dated 02.02.2023 as early as possible.

5. Learned counsel appearing for the respective respondents have no



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objection for the said order being passed and they fairly conceded that appropriate orders will be passed on the petitioner's complaint dated 02.02.2023 within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's complaint dated 02.02.2023 on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. This Writ petition is accordingly disposed of. No costs.

09.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

To:

1. The Tamil Nadu Information Commission,
Represented by its Secretary,
Block No.19, Government Farm Village,
Nandanam, Chennai - 600 035.

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2. The Public Information Officer/
Personal Assistant (General) to the District Collector,
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M.DHANDAPANI, J.

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