



WEB COPY



W.P. No. 13392 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 07.12.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 13392 of 2021**

S.Selvakumar

... Petitioner

-VS-

1. The Tamil Nadu Information Commission,  
No. 2, Thiagarayar Road (Near Alaiyamman Koil),  
Eldams Road Junction,  
Teynampet,  
Chennai – 600 018,  
Now shifted to  
Block No. 19, Government Farm Village,  
Saidapet,  
Chennai – 600 015.
2. The Commissioner,  
Office of Pollachi Municipality,  
Pollachi – 642 001,  
Coimbatore District.
3. S.T.Balaji  
(R3 is *suo motu* impleaded  
vide order dated 28.06.2021)

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to comply the order of the First Respondent passed in S.A. No. 7765/D/2018 dated 16.12.2019 and pay Rs. 10,000/- as compensation stipulated under Section 19(8)(b) of the Right to Information Act, 2005.



W.P. No. 13392 of 2021

For Petitioner : Mr. S.Nagarajan  
For Respondents : Mr. C.Vigneswaran (for R1)  
Mr. V.P.R.Elamparithi (for R2)  
Mr. B.Anand  
for Mr. R.Arumugam (for R3)

### **ORDER**

Heard Mr. S.Nagarajan, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Counsel for the First Respondent, Mr. V.P.R.Elamparithi, Learned Government Advocate for the Second Respondent and Mr. B.Anand, Learned Counsel appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that the First Respondent in the order dated 16.12.2019 in the Second Appeal in Case No. SA 7765/D/2018 filed by the Petitioner under Section 19(3) of the Right to Information Act, 2005 (hereinafter referred to as the 'RTI Act' for short) had directed the Town Planning Officer, Pollachi Municipality to furnish certain information and pay compensation of Rs. 10,000/- to the Petitioner and the Town Planning Officer, Pollachi Municipality was required to ensure its compliance and file report within 30 days before the First Respondent.



W.P. No. 13392 of 2021

3. The grievance sought to be ventilated by the Petitioner in this Writ Petition is that the information has not yet been furnished by the Town Planning Officer, Pollachi Municipality to the Petitioner despite the aforesaid order passed by the First Respondent.

4. Inasmuch as the scheme devised in Section 20 of the RTI Act requires the First Respondent to ensure that its orders are carried out within a specified time limit and then posted for reporting compliance, which exercise has not taken place, the First Respondent shall list the aforesaid Second Appeal on 05.06.2024, and the Petitioner and the Second and Third Respondents shall appear for that hearing without fail. If the First Respondent is not in a position to take up the matter for hearing on that date, it shall inform to all parties concerned of the date of hearing to which it is adjourned in the prescribed manner. It shall be incumbent upon the First Respondent to afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the principles of natural justice, deal with each of the contentions raised and pass reasoned orders on merits and in accordance with law and communicate the decision taken to them under written acknowledgment.



W.P. No. 13392 of 2021

**WEB COPY** In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

07.12.2023

Index: Yes/No

NCC: Yes/No

**Note: Issue order copy by 18.04.2024.**

vjt

To

1. The State Information Commissioner,  
Tamil Nadu Information Commission,  
No. 2, Thiyagarayar Road (Near Alaiyamman Koil),  
Eldams Road Junction,  
Teynampet,  
Chennai – 600 018,  
Now shifted to  
Block No. 19, Government Farm Village,  
Saidapet,  
Chennai – 600 015.
2. The Commissioner,  
Office of Pollachi Municipality,  
Pollachi – 642 001,  
Coimbatore District.

Copy to

1. S.Selvakumar,  
S/o. Subramaniya Gounder,  
Muniyarkarar Thottam,  
No. 20, Sri Rajarajeshwari Nagar,  
T.Kottampatti,  
Pollachi – 642 002.



**W.P. No. 13392 of 2021**

**2. S.T.Balaji,**  
[Former Town Planning Officer (Incharge),  
Presently working in Dharapuram Municipality,  
Tiruppur District.



WEB COPY



**W.P. No. 13392 of 2021**

**P.D. AUDIKESAVALU, J.**

**vjt**

**W.P. No. 13392 of 2021**

**07.12.2023**