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W.P. No. 23849 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

W.P. No. 23849 of 2023

Kondamuri Kusuma Nagendra Prasad

... Petitioner

-VS-

1. The Central Information Commissioner,
CIC Bhavan,
Baba Ganganath Marg,
Munirk,
New Delhi – 110 067.

2. The First Appellate Authority -cum- Superintending Engineer – II,
Public Works Department,
Puducherry – 605 001.

3. The Public Information Officer -cum- Executive Engineer,
Public Works Department,
Yanam – 533 464.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent herein to comply with the orders of the First Respondent in CIC/UTPON/A/2022/131129-UM dated 28.03.2023.

For Petitioner

: Mr. Sunny Sheen for Ms. V.Srimathi

For Respondents

: Mr. K.Sreedhar



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ORDER

Heard Mr. Sunny Sheen, Learned Counsel for the Petitioner and Mr. K.Sreedhar, Learned Counsel for the Respondents 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 28.03.2023 in the Second Appeal in S.A. No. CIC/UTPON/A/2022/131129-UM 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 Third Respondent to furnish certain information to the Petitioner and the Third Respondent was required to ensure its compliance and file report before the Third Respondent.

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 Third Respondent 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



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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.

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

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Index: Yes/No

Note: Issue order copy by 18.04.2024.



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To

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1. The Central Information Commissioner,
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3. The Public Information Officer -cum- Executive Engineer,
Public Works Department,
Yanam – 533 464.

Copy to

Kondamuri Kusuma Nagendra Prasad,
S/o. Nageswara Rao,
Door No. 7-1-009, Pydikondala Street,
Yanam – 533 464.



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P.D. AUDIKESAVALU, J.

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