



WEB COPY



W.P. No. 1158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

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

W.P. No. 1158 of 2024

Dr.T.Selvaraj

... Petitioner

-VS-

1. The Tamil Nadu Information Commissioner,
No.2, Sir Thiyagarayar Salai,
Near to Alaiyamman Temple,
Teynampet, Chennai 600 006.
 2. The First Appellate Authority under RTI Act,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai 600 006.
 3. The Public Information Officer/Director,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai 600 006.
- Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the 1st respondent to impose penalty to the 3rd respondent and to recommend for initiation of disciplinary proceedings as per the Section 20 (1) & (2) of the Right to Information Act, 2005 and consequently, direct the 1st respondent to dispose of the Second Appeal SA 17149/E/2021 filed by the petitioner.



WEB COPY



W.P. No. 1158 of 2024

For Petitioner : Mr. U. Kathiravan

For Respondents : Mr. C.Vigneswaran (for R1)

Mr. B. Vijay (for R2 & R3)
Additional Government Pleader

ORDER

Heard Mr. U.Kathiravan, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Counsel appearing for the First Respondent and Mr.B. Vijay, Learned Additional Government Pleader appearing for the Second and Third 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 19.07.2023 in the Second Appeal in Case No. SA 17140/Enquiry/E/2021 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, but as it has not been complied, it has necessitated the filing of this Writ Petition.

3. Inasmuch as the scheme devised in Section 20 of the RTI Act requires the



W.P. No. 1158 of 2024

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.

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

23.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.



W.P. No. 1158 of 2024

gsa

WEB COPY

To

1. The Tamil Nadu Information Commissioner,
No.2, Sir Thiyagarayar Salai,
Near to Alaiyamman Temple,
Teynampet, Chennai 600 006.
2. The First Appellate Authority under RTI Act,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai 600 006.
3. The Public Information Officer/Director,
Directorate of Medical and Rural Health Services,
Teynampet, Chennai 600 006.

Copy to

Dr. T.Selvaraj,
S/o. Thirisangu,
No. 4/39, Kavara Street,
Thiruvelvikkudi,
Kuttalam,
Mayiladuthura District – 609 801.



WEB COPY



W.P. No. 1158 of 2024

P.D. AUDIKESAVALU, J.

gsa

W.P. No. 1158 of 2024

23.01.2024