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W.P.No.9451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9451 of 2024

E. Murugan

...Petitioner

Vs

The Registrar
The Tamil Nadu State Information commission
Block No.19, Government Farm Village,
Nandanam, Chennai 600 035.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to dispose the appeal pending before the respondent which was filed u/s 19(3) of Right to Information Act dated 28.04.2023 and pass orders.

For Petitioner : Mr. D. RajaGopal

For Respondent : Mr.C. Vigneswaran
Standing Counsel



W.P.No.9451 of 2024

WEB COPY

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to consider the petitioner's RTI application dated 28.04.2023.

2. 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 and his uncle are joint pattadharars of the subject property and the petitioner got electricity connection and he is in possession and enjoyment of the subject property. While so, the Assistant Engineer of Tamil Nadu Electricity Board in that area disconnected the Electricity connection on 07.08.2002. Subsequently the petitioner gave a representation to the Vigilance Department of Electricity Board and he was informed that his electricity connection will be restored. However, electricity connection was not restored. Thereafter, the petitioner filed a Civil suit in OS No.328 of 2005 and for the purpose of the suit the petitioner needs the inspection and



W.P.No.9451 of 2024

WEB COPY

enquiry report by the Vigilance Officials. Hence, the petitioner filed a Application before the Public Information Officer of Tamil Nadu Electricity Board to furnish the information on 09.11.2022. Then on 24.01.2022 the Superintendent Engineer officer gave a communication to Executive Engineer Aarani to furnish the information. Subsequently the Executive Engineer sent a communication without furnishing about the status of the case and simply stated that the report have been submitted before Court through their counsel. Aggrieved over the same the petitioner filed a appeal before the Appellate Authority that is Superintendent Engineer, Thiruvannamalai on 30.03.2023. However, there was no reply. Hence, the petitioner filed second appeal before the State Information Commissioner as per Section 19(3) of Right to Information Act on 28.04.2023. However, the same was not considered. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the third respondent to consider petitioner's application dated 28.04.2023 and pass orders.



W.P.No.9451 of 2024

WEB COPY

5. The learned standing counsel appearing for the Respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the respondent to consider the petitioner's application dated 28.04.2023 and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

08.04.2024

Index: Yes/No
Speaking order/Non-speaking order
smn



W.P.No.9451 of 2024

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The Registrar
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W.P.No.9451 of 2024

V.BHAVANI SUBBAROYAN,J.

smn

W.P.No.9451 of 2024

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