



W.P. No. 23439 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

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

W.P. No. 23439 of 2023

T. Johnsy Bai

... Petitioner

-VS-

1. The RTI Appellate Authority,
The Revenue Divisional Officer,
RDO Central Division (Ambattur),
No. 5-73, SH112, Gandhi Nagar,
Anna Nagar Western Extension,
Chennai 600 040.
 2. The Public Information Officer,
The Office of the Special Thasildar,
Town Survey Land Register,
Natham Nilavari Thittam,
Ambattur, Chennai 600 053.
 3. The Public Information Officer,
The Office of the Thasildar,
Ambattur Taluk,
Chennai 600 053.
 4. The Revenue Divisional Officer,
Ambattur, Chennai.
(R4 is *suo motu* impleaded vide order dated 09.08.2023)
 5. The Commissioner,
Tamil Nadu State Information Commission,
Nandhanam,
Chennai - 600 035.
(R5 is *suo motu* impleaded vide this order)
- Respondents

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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to issue the requested information on the RTI Application made by the Petitioner on 02.07.2021 as per the order dated 20.11.2021 in S.A. No. 12920 of 2021 by the State Information Commission, Tamil Nadu, Nandhanam, Chennai – 600 035.

For Petitioner : Mr. J.Chelladurai Caldwell

For Respondents : Mr. S.J.Mohamed Sathik
Government Advocate (for R1 to R3)

No appearance (for R4)

ORDER

Heard Mr. J.Chelladurai Caldwell, Learned Counsel appearing for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate for the First to Third Respondents and Mr. C.Vigneshwaran, Learned Counsel, who takes notice for the Fifth 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 Commissioner, Tamil Nadu State Information Commission, Nandhanam, Chennai – 600035, who is *suo motu* impleaded as the Fifth Respondent, in the order dated 20.11.2021 in the Second Appeal in Case No. SA 12920/Enquiry/E/2021 filed by the Petitioner under



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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 Fifth 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 Fifth Respondent.

4. Inasmuch as the scheme devised in Section 20 of the RTI Act requires the Fifth 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 Fifth Respondent shall list the aforesaid Second Appeal on 05.06.2024, and the Petitioner and the First to Fourth Respondents shall appear for that hearing without fail. If the Fifth 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 Fifth Respondent to afford full opportunity of hearing to all parties concerned following the prescribed procedure in consonance with the



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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.

15.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.

gsa

To

1. The RTI Appellate Authority,
The Revenue Divisional Officer,
RDO Central Division (Ambattur),
No. 5-73, SH112, Gandhi Nagar,
Anna Nagar Western Extension,
Chennai 600 040.
2. The Public Information Officer,
The Office of the Special Thasildar,
Town Survey Land Register,
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Ambattur, Chennai 600 053.
3. The Public Information Officer,
The Office of the Thasildar,
Ambattur Taluk,
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4. The Revenue Divisional Officer,
Ambattur, Chennai.

5. The Commissioner,
Tamil Nadu State Information Commission,
Nandhanam,
Chennai - 600 035.

Copy to

T.Johnsy Bai,
W/o. V.Arul Doss,
No.10/63, Kumaran Nagar Extn.,
Kolathur, Chennai 600 099.



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P.D. AUDIKESAVALU, J.

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