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W.P. No.19140 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.07.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19140 of 2024

R. Uma

....Petitioner

..Vs..

1. The District Collector,
Cuddalore District.
2. The Head Quarters Tahsildar,
Taluk Office, Cuddalore District.
3. The Block Development Officer
The Block development office(Village panchayet),
Cuddalore District.
- 4.The Deputy Block Development Officer (Village panchayet),
The Block Development office,
Cuddalore District -607 403.
- 5.The Village Panjayet Secretary,
Office of Keez Azingipet Village Panjayet,
Cuddalore District -607 403.
6. The Secretary,
Office of Keez Azingipet Village Panjayet,
Cuddalore District -607 403.

....Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the Respondents 1 to 6 to give drinking water supply connection to petitioner's residential house and remove the encroachment and construct Pmay cannel in the Keez Azingipet Village Panjayet based on the Na.ka.No.A2/2348/2021 in Reply dated 12-11-2021 given by the fourth Respondent for the order dated 23-09-2021 passed by the State Information Commissioner, Chennai in Case No SA8123/F/2021 and pass orders accordingly.

For petitioner : Mr. Dr. R.Ramalingam

For Respondents : Mrs.C. Meera Arumugam
(Addl. Govt. Pleader)

ORDER

This Writ petition has been filed seeking to issue a Writ of Mandamus directing the Respondents 1 to 6 to give drinking water supply connection to petitioner's residential house and remove the encroachment



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and construct Pmay cannel in the Keez Azingipet Village Panjayet based on the Na.ka.No.A2/2348/2021 in reply dated 12-11-2021 given by the fourth Respondent for the order dated 23-09- 2021 passed by the State Information Commissioner, Chennai in Case No.SA8123/F/2021 and pass orders accordingly.

2. The learned counsel for the petitioner submits that the petitioner sent an application dated 05-11-2020 to the Public Information Officer, Office of Block Development [Village Panchayet], Cuddalore District under Right to Information Act regarding Thar road, Street light, and drinking water to Bless Nagar, Keez Azingipet, Reddy Chavadi, Cuddalore District. Even after 30 days lapsed, the petitioner did not receive any information from the Public Information Officer. Therefore, First appeal dated 08-02-2021 has been filed before the Appellate Authority concerned and even then he did not receive information. Thereafter, Second appeal dated 13-05-2021 mailed on 18-06-2021 before the Hon'ble State Information Commission to direct the Public Information Officer to furnish the information for the items mentioned on the application dated 05-11-2020.



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3.It has been further submitted by the learned counsel for the petitioner that the Hon'ble State Information Commissioner passed an order dated 23-09-2021 duly signed on 29-09-2021 and sealed on 08-10-2021 directing the Public Information Officer to furnish the exact information to the petitioner for the petition dated 05-11-2020 within one week from the receipt of the order or otherwise legal action will be taken against the Public Information Officer in accordance with section 20[1] and 20 [2] of Right to Information Act.

4.The learned counsel for the petitioner further submits that the Public Information Officer sent the application dated 12-11-2021 duly signed by him posted to the petitioner on 18-11-2021 and the order was compiled with inordinate delay without obeying the aforesaid order and the Public Information Officer furnished partly incorrect information to the petitioner against the Right to Information Act. The Public Information Officer did not furnish what are all the relevant documents to be submitted to receive the Tax receipt for the item No.03 and in the item No 04 the name



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of the owner of the land and also the name of the manager are not mentioned wantonly in order to prohibit the petitioner, not to file a case in the appropriate Court regarding land encroachment. The owner of the land Prabu S/o [Late] Unnamalai and Mayavan son of Pattani hailing from Male Azingipet encroached the canal.

5. It has been further submitted by the learned counsel for the petitioner that the Public Information Officer sent the Reply dated 12-11-2021 informing in the 05th and 6th column that during the period of financial year 2022-23 the Keez Azingipet Panjayet will be selected for the supply of drinking water and drinking water will be supplied to residential house of the petitioner under Jell Jeevan Plan at free of cost. But, two Bore wells are established in this Village Panchayet and drinking water is supplied to twenty two houses except the residential house of the petitioner. The encroachment is not removed and the Pmay canal is not constructed as mentioned in the Reply dated 12-11-2021. Therefore, he seeks the relief as prayed for in the petition.

6.The learned counsel for the respondents would submit that



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the respondents have already given the information sought by the petitioner under RTI Act with regard to the basic amenities such as Road facility and Street Light, and Drinking water in the Bless Nagar and also to remove the encroachment of Canal wherein it was informed that since the plots in the Bless Nagar are unapproved, after handing over the Road to the Village Panchayet by way of Gift Deed, the laying of Road would be estimated and based on the allotment of fund, the road would be laid and accordingly water connection would be provided in the Bless Nagar. Further, the cleaning of Canal would be proceeded after getting permission under MGNREGS Project.

7.It has been further submitted by the learned counsel for the respondents that the grievance of the petitioner would be redressed based on the financial position of the Village Panchayat and as per the guidelines provided by the Tamil Nadu Government. Hence, the Writ petition is liable to be dismissed.

8. Heard both sides and perused the materials available on record.



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9. Having considered the facts and circumstances of the case and submissions made by both side counsel, this Court without going into the merits of the case, directs the respondents to give proper reply as sought by the petitioner in the application dated 05.11.2020 filed by him and pass orders accordingly in the manner known to law as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of copy of this order.

10. In view of the above direction, the Writ petition is disposed of. No costs.

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Index : Yes/No
Internet: Yes/No
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V.BHAVANI SUBBAROYAN, J.,

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