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W.P.No.35421 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35421 of 2024

R.Anbalagan

... Petitioner

VS.

- 1.The Director of Vigilance and Anti Corruption
No. 293, M.K.N. Road
Collector Nagar
Alandur, Chennai 600 016
- 2.Vigilance Commissioner
Office of the Vigilance Commissioner
Human Resources Management Department
Fort St. George
Chennai 600 009
- 3.Public Information Officer,
Under Secretary
Revenue and Disaster Management Department,
Government of Tamil Nadu,
Fort St. George
Chennai 600 009
- 4.Government of Tamil Nadu,
Rep. by its Joint Secretary (Appellate Authority)
Revenue and Disaster Management Department
Fort St. George
Chennai 600 009



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5. Tamil Nadu State Information Commission,
Block No. 19, Government Farm College
Panepet, Nandanam, Chennai 600 035

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 5th Respondent to dispose of the appeal filed by the petitioner in SA 3878/E/2024 dated 25.03.2024 against the order of the 4th respondent in No.16815/Ser/2(3)/2023-1 dated 17.11.2023 within a time frame to be fixed by this Court.

For Petitioner	: Mr.V.Kannan
For R1	: Mr.L.Baskaran Government Advocate (Crl.Side)
For R2 to R4	: Mr.S.J.Sathik Mohamed Government Advocate
For R5	: Mr.C.Vigneswaran Standing Counsel

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 5th respondent to dispose of his second appeal filed before the 5th respondent in SA



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3878/E/2024 dated 25.03.2024 against the order of 4th respondent in No.16815/Ser/2(3)/2023-1 dated 17.11.2023 within a time frame to be fixed by this Court.

3. It is the case of the petitioner that he filed an application on 28.08.2023 before the 3rd respondent seeking certain information regarding the final report submitted by 1st respondent and forwarded to him by 2nd respondent and the 3rd respondent replied refusing to provide information on the ground that information sought for could not be disclosed under Sections 8(1)(h) and 8(1)(j) of the Right to Information Act, 2005. Aggrieved by the same, the petitioner filed an appeal before the 4th respondent and the same was also dismissed. Aggrieved by the same, the petitioner preferred a second appeal before the 5th respondent in SA 3878/E/2024 dated 25.03.2024. Though the same was filed as early as 25.03.2024, till date, the same has not been taken up for hearing. Therefore, the petitioner has come before this Court seeking a direction to the 5th respondent to dispose of the second appeal within the time stipulated by this Court.

4. Mr.L.Baskaran, learned Government Advocate (Crl.Side) takes



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notice for the 1st respondent, Mr.S.J.Sathik Mohamed, learned Government Advocate takes notice for the respondents 2 to 4 and Mr.C.Vigneswaran, learned Standing Counsel takes notice for the 5th respondent.

5. In view of the limited prayer made by the petitioner, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 5th respondent to consider the second appeal preferred by the petitioner in SA 3878/E/2024 dated 25.03.2024 and pass final orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order, after issuing notice to the petitioner and 3rd respondent.

6. With the above direction, the Writ Petition stands disposed of. No costs.

27.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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