



W.P. No. 151 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

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

W.P. No. 151 of 2024

P.Srinivasan

... Petitioner

-VS-

1. The State Information Commissioner,
Tamil Nadu State Information Commission,
No. 19, Government Farm Village Panepet,
Nandanam,
Chennai - 600 035.
2. The Managing Director/1st Appellate Authority,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.
3. The Public Information Officer,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to direct the Second and Third Respondents to provide information for the Requested Information Nos. 2, 4, 5 and 6 as per the order dated 20.07.2023 in Case No. SA5495/F/2022 passed by the First Respondent and to implement penalty to pay Rs. 250/- each day (totally to Rs. 25,000) till the date of receipt of information as per Section 20(1) of the Right to Information Act, 2005, by considering the representation of the Petitioner dated 04.11.2023 to the First Respondent, with costs for legal expenses.



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For Petitioner : Mr. N.S.Suganthan
For Respondents : Mr. C.Vigneswaran,
Standing Counsel (for R1)
Mr. M.Ashwin (for R2 & R3)

ORDER

Heard Mr. N.S.Suganthan, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Standing Counsel appearing for the First Respondent and Mr. M.Ashwin, Learned Counsel 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 20.07.2023 in Case No. SA5495/F/2022 filed by him 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 the certain information and the Second Respondent was required to ensure its compliance and file report before the First Respondent.



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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 Third Respondent.

4. Inasmuch as the scheme devised in the RTI Act requires the Third 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 13.03.2024, 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 adjourned date of hearing in the prescribed manner. The First Respondent shall verify whether the order has been complied by the concerned authorities and if not, shall take further action in accordance with law following the prescribed procedure in consonance with the principles of natural justice and shall communicate the decision taken to the parties under written acknowledgment.



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

costs.

19.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024.

vjt

To

1. The State Information Commissioner,
Tamil Nadu State Information Commission,
No. 19, Government Farm Village Panepet,
Nandanam,
Chennai - 600 035.
2. The Managing Director/1st Appellate Authority,
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P.D. AUDIKESAVALU, J.

vjt

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