



W.P(MD)No.2214 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2214 of 2024

and

W.M.P.(MD)Nos.2226, 2227 and 2229 of 2024

Indurani

..Petitioner

Vs

1.The State Information Commissioner,
Tamil Nadu Information Commission,
Block No.19, Government Farm Village,
Panepet, Nandanam,
Chennai – 600 035.

2.The Appellate Office,
Office of the Tahsildar,
Thirumangalam,
Madurai – 625 706.

3.The Public Information Officer,
Office of the Tahsildar,
Thirumangalam,
Madurai – 625 706.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents No.2
and 3 to take appropriate action for the implementation of the order of the
respondent No.1 Commission in SA.19385/Visaranai/E/2022 dated 21.09.2023



W.P(MD)No.2214 of 2024

and to furnish the information and photocopies of the Note files as required by the petitioner under Section 6(1) of the Right to Information Act 2005 by considering the representation of the petitioner dated 17.11.2023 in accordance with law within a time stipulated by this Court.

For Petitioner :Mr.S.Ramesh Kumar

For Respondents :Mr.Raguvaran Gopalan for R1.
Mr.A.Kannan,
Addl. Government Pleader for R2 & R3.

ORDER

This writ petition has been filed seeking a Writ of Mandamus, directing the respondents 2 and 3 to take appropriate action for the implementation of the order of the first respondent in S.A.No.19385/Visaranai/E/2022 dated 21.09.2023 and to furnish the information and photocopies of the note files as required by the petitioner under Section 6(1) of the Right to Information Act 2005 by considering the petitioner's representation dated 17.11.2023.

2.The petitioner submitted an application on 20.10.2021 for surveying her land comprised in S.No.92/5A in Kinnimangalam Village, Thirumangalam Taluk, Madurai District and she also paid the necessary fees. Since the survey



W.P(MD)No.2214 of 2024

was not conducted, the petitioner sought information under Section 6 of the Right to Information Act, 2005 to the second respondent regarding the action taken on her application with the note files. There was no response for the same. Hence, the petitioner filed first appeal before the second respondent. Since the same did not elicit any response, she filed second appeal before the first respondent. The first respondent vide order dated 03.01.2023 directed the second respondent to furnish the information sought for by the petitioner. Even thereafter, the second respondent did not furnish the information. Therefore, the first respondent summoned the second respondent to appear for enquiry on 21.09.2023. On the enquiry date, the first respondent directed the second respondent to conduct survey within 15 days and also serve copies of the report to her. Even thereafter, the second respondent did not conduct survey. Therefore, the petitioner sent a representation to first respondent to take disciplinary action against the second respondent. Since no action was taken thereon, the petitioner left with no other option file the present writ petition.

3.The learned counsel for the petitioner states that though the petitioner applied to the second respondent for conducting survey on 20.10.2021, survey was not conducted till date. It has lapsed more than two years. The petitioner is a senior citizen. Hence, he requested this Court to take action against the



W.P(MD)No.2214 of 2024

respondents 2 and 3 and direct him to conduct survey within a stipulated as may be fixed by this Court.

4.The learned Additional Government Pleader for the respondents 2 and 3 would submit that survey was conducted on 03.02.2024 in the presence of the petitioner. The second respondent also furnished the information sought for by the petitioner. Therefore, nothing survives for further adjudication in this writ petition and he prayed this Court to dismiss the writ petition.

5.The petitioner was present in person before this Court. When I asked the petitioner whether survey was conducted on 03.02.2024, she answered that survey was conducted on 03.02.2024. However, she is not satisfied with the measurement. She alleged that the neighbours have encroached her land and fenced the same. But the survey authority has not taken into consideration. Hence, she requested for re-survey of the land.

6.If the petitioner is aggrieved by the survey conducted by the second respondent and if there is encroachment by neighbours, the remedy is available for her is go before the competent Civil Court. It is left open to the petitioner to approach the competent civil Court for relief.



W.P(MD)No.2214 of 2024

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7. With this liberty to the petitioner, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To:-

1. The State Information Commissioner,
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Chennai – 600 035.

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W.P(MD)No.2214 of 2024

V.BHAVANI SUBBAROYAN,J

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W.P(MD)No.2214 of 2024

06.02.2024