



W.P.(MD)No.1994 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.1994 of 2024

N.Sudha

: Petitioner

Vs.

1.The Commissioner,
State Information Commission,
Tamil Nadu,
No.19, Arasu Pannai Illam,
Nandhanam, Chennai – 600 035.

2.The District Collector,
Trichy District,
Trichy.

3.The Public Informative Officer,
Block Development Officer,
Andhanallur Panchayat Union,
Trichy District,
Trichy.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to conclude appeal case No.SA 2964/F/2023 on the file of the first respondent within a stipulated time as imposed by this Court.



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For Petitioner : Mr.N.Ananda Kumar
For Respondents 1&2 : Mr.D.Gandhi Raj
Special Government Pleader
For Respondent No.3 : Mr.C.Satheesh
Government Advocate

ORDER

This Writ Petition is filed seeking for a direction to the first respondent to conclude the appeal in Case No.SA 2964/F/2023 on the file of the first respondent.

2.Heard Mr.N.Ananda Kumar, learned Counsel appearing for the petitioner, Mr.D.Gandhi Raj, learned Special Government pleader who accepts notice for the first and second respondents and Mr.C.Satheesh, learned Government Advocate who accepts notice for the third respondent.

3.By consent, the main Writ Petition itself is taken up for final disposal at the admission stage itself.

4.The case of the petitioner is that the petitioner sought an information under Section 6(1) of 'the Right to Information Act, 2005' [hereinafter 'the Act' for brevity] from the Block Development Officer, Andhanallur Panchayat Union, Trichy, who is the Public



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Information Officer regarding the affidavit filed by the then Ex-President of Kambarasampettai at the time of contesting in the election for the years 1996, 2001, 2006 and 2011 and the affidavit filed by his wife in the year 2021, who is the present President of Kambarasampettai. On receipt of the petitioner's application dated 17.10.2022, the third respondent sent a reply vide proceedings in Na.Ka.No.A5/2439/2021 dated 16.11.2022, stating that the then President for the years 1996 to 2021 and the present President objected for giving such information and hence the petitioner's application came to be rejected under Section 8(1)(j) of the Act. According to the petitioner, the affidavit of declaration filed at the time of election process by the candidates who contested in the election is not a personal information.

5. Thereafter, the petitioner preferred an appeal before the second respondent, who is the appellate authority. The second respondent, vide proceedings in Na.Ka.Tha.3/9718/2022 dated 12.12.2022 directed the third respondent to submit the details regarding the information sought by the petitioner before the second respondent. Thereafter, the third respondent vide proceedings in Na.Ka.No.A5/2439/2021 dated 10.02.2023 gave a reply that as per Rule 98 of Tamil Nadu Panchayat Election Rules, 1995, those affidavits were kept in safe custody for one year and thereafter the said documents were destroyed.



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6.Aggrieved by the proceedings dated 10.02.2023, the petitioner again preferred an appeal before the State Information Commission, who is the first respondent under Section 18(1) and 20 of the Act on 16.02.2023 and the same was numbered as Case No.SA 2964/F/2023. The first respondent sent a reply to the petitioner stating that the third respondent had been directed to provide the said information to the petitioner within 29.06.2023 and if the said information is not furnished within 29.06.2023, the petitioner was informed to sent a letter to the Commission before 09.07.2023. Even after the proceedings of the first respondent, the third respondent gave the very same rejection order stating the very same reason to the petitioner vide proceedings dated 30.06.2023, against which the petitioner sent a letter to the first respondent dated 04.07.2023. Even after a lapse of five months, no action was taken and the appeal preferred by the petitioner before the first respondent remains unattended. Hence, the petitioner is before this Court with the present Writ Petition.

7.The learned Special Government Pleader appearing for the respondents 1 & 2 would submit that the petitioner's appeal would be considered and appropriate orders would be passed within the period to be prescribed by this Court.



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8.In view of the aforesaid submission, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to dispose of the appeal, dated 16.02.2023 in Case No.SA 2964/F/2023, preferred by the Petitioner and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned, within a period of sixteen [16] weeks from the date of receipt of a copy of this order.

9.The Writ Petition stands disposed of, with the above direction. There shall be no order as to costs.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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V.BHAVANI SUBBAROYAN, J.

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