



W.P(MD)No.22867 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P(MD)No.22867 of 2024

T.Venugopal

... Petitioner

Vs.

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

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's appeal, dated 14.06.2024 by directing the second and third respondent to provide the necessary particulars to the petitioner and pass such further or other orders as this Court.



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For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The petitioner had approached this Court seeking a Mandamus to the first respondent to dispose of his appeal, dated 14.06.2023 by directing the respondents 2 and 3 to provide necessary particulars to the petitioner.

2. The proceedings in question arise under the Right to Information Act. The petitioner would submit that they owned landed ancestral property measuring an extent of 33.39 acres in S.No.261 situated at Idaikattur Village, Sivagangai. The property originally belonged to one Arumugam Pillai, the petitioner's grand-father and on his demise, it devolved on his legal heirs, namely, Thangasamy Pillai, the petitioner's father and his father's siblings. An oral partition was entered into between them in and by which an extent of 8.89 acres was allotted to the share of the petitioner's father. The petitioner would submit that his father passed away and on his demise, the property devolved on his mother Devakiammal, the petitioner, his brothers Vasudevan and Kannan



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and sister Selvi. The petitioner's mother had sold some portion of the property and was occupation of the remaining extent. When the petitioner had made an application before the third respondent to obtain a patta in the joint names of the petitioner, which was refused by the third respondent stating that a No objection has to be got from the joint patta holders. However, the third respondent had also proceeded to sub divide the S.No.261 and mutate it in the name of several persons and patta had been mutated in the names of various persons without any basic document. Therefore, he had sought for information under the RTI Act seeking details about the remaining land extent, sub division numbers in S.No.261, patta holders and their separate patta details etc. Since third respondent had failed to respond, an application was made to the first respondent on 18.03.2024, which has not progressed any further. Therefore, the present writ petition.

3. The petitioner, who has a claim to the property in question has been kept in the dark about the sub division and the grant of patta to others and he has only requested these details, which are all public documents. This information which is required by the petitioner to challenge the proceedings and the same has to necessarily be provided to him. The first respondent, who is



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the statutory authority is bound to perform the duties cast upon him under the Act, one of which is to provide details except those that are specifically prohibited. Therefore, the writ petition stands allowed and the first respondent is directed to dispose of the appeal within a period of two (2) months from the date of receipt of a copy of this order.

4. The writ petition stands allowed, accordingly. There shall be no order as to costs.

26.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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P.T.ASHA, J.

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