



W.P.(MD)No.26795 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.26795 of 2024

J.Jeyanthi

...Petitioner

/Vs./

1.The Tamilnadu State Information Commission,
Represented by its Commissioner,
Block No.19, Government Farm Village,
Panepet, Nandanam, Chennai – 600 035.

2.The Public Information Appellate Officer,
Commissioner Office,
Indian Medicine and Homeopathy Department,
Chennai, Chennai District.

3.The Public Information Officer,
District Sidda Medicine Department,
Thirunelveli at Tenkasi,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus to direct the respondents to furnish details/particulars as per the application of the petitioner dated 20.06.2024 within stipulated period.

For Petitioner : Mr.B.Rajesh Saravanan

For R1 : Mr.Raguvaran Gopalan
Standing Counsel

For R2 & R3 : Mr.A.Kannan
Additional Government Pleader



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ORDER

This Writ Petition is filed seeking issuance of Writ of Mandamus to direct the respondents to furnish details/particulars as per the application of the petitioner dated 20.06.2024 within stipulated period.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner executed a deed of power of attorney on 28.02.2013 in favour of one R.Mayavanathan with regard to the property in Re.Survey No.58/2 to an extent of 3 acres and 43 cents at K.Shanmugapuram, Ottapidaram Taluk, Tuticorin District. The said power agent misused the deed of power and sold the property illegally to various persons. The petitioner had cancelled the power of attorney deed on 24.09.2018 vide Reg.No.2006/2018 on the file of Ottapidaram, Sub Registrar Office. Thereafter, on 02.01.2024, the petitioner filed an application under the provisions of Right to Information Act, 2005, to the third respondent seeking information on the Life Certificate issued by Dr.R.Chandrika Gnanalakshmi, Primary Health Center, Ukkirankottai for



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the period from 2013 to 2019. As the third respondent did not respond to the application, the petitioner filed a first appeal before the second respondent on 13.02.2024. The second respondent in turn forwarded the same to the third respondent directing the the third respondent to furnish information sought for by the petitioner and marked a copy of the same to the petitioner. The third respondent in spite of the second respondent's direction did not furnish information and therefore, the petitioner sent a reminder on 29.04.2024 to the respondents 1 and 2. As there was no reply or action, the petitioner filed the present Writ Petition for the aforesaid relief.

4.The learned counsel for the petitioner submits that in the first appeal filed by the petitioner, even though the second respondent directed the third respondent to furnish information sought for by the petitioner vide his order dated 27.02.2024, the third respondent did not comply with the second respondent's direction. The learned counsel for the petitioner further submitted that a direction may be issued to the third respondent to comply with the order of the second respondent dated 27.02.2024 within a stipulated period to be fixed by this Court.



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5. The learned Additional Government Pleader appearing for the respondents 2 and 3 submits that though the petitioner has also filed a first appeal before the second respondent, the same is not in a proper format. Since the first appeal is pending before the second respondent, the second appeal before the first respondent could not be entertained.

6. This Court gave its anxious consideration to the submissions made on either side and perused the materials available on record.

7. As rightly pointed out by the learned Additional Government Pleader appearing for the respondents 2 and 3, the first appeal filed before the second respondent is pending as on date. Therefore, second appeal before the first respondent cannot be maintained. The learned counsel for the petitioner submits that he will not press the second appeal filed before the first respondent. It is also seen that though the third respondent received the communication from the second respondent as early as on 27.02.2024 but the third respondent did not comply with the directions of the second respondent.



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8. In view of the said facts, a direction is issued to the third respondent to comply with the order of the second respondent dated 27.02.2024 within a period of six weeks from the date of receipt of a copy of this order and mark a copy of the same to the first respondent so as to enable the first respondent to pass orders on merits and in accordance with law in the appeal filed by the petitioner before the first respondent.

9. With the above directions, this Writ Petition is disposed of. No costs.

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Index : Yes / No
NCC : Yes / No
CM



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N.MALA, J.

CM

Order made in
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Dated:
11.11.2024