



W.P.(MD)No.1255 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.1255 of 2025

M.Jeyalakshmi

.... Petitioner

/Vs./

1.The Tamilnadu Information Commissioner,
The Tamilnadu State Information Commission,
Teynampet,
Chennai.

2.The Information Appellate Authority,
(The Superintendent of Police),
District Police Office,
Alagarkovil Main Road,
Surveyor Colony,
Madurai District.

3.The Public Information Officer,
(The Additional Superintendent of Police)
District Police Office,
Alagarkovil Main Road,
Surveyor Colony,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, to direct the first respondent to number the



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petitioner's second appeal dated 25.11.2024 under RTI Act and take it on file and further dispose of the same.

For Petitioner : Mr.M.Veeravel Pandi
For R1 : Mr.Raguvaran Gopalan
Standing Counsel
For R2 & R3 : Mr.S.Prakash
Government Advocate (Crl.side)

ORDER

The petitioner has filed the instant writ petition seeking issuance of writ of mandamus to direct the first respondent to number the petitioner's second appeal, dated 25.11.2024 under the provisions of the Right to Information Act and dispose of the same, thereafter.

2. The case of the petitioner is that the petitioner and her husband were falsely implicated pertaining to commission of certain criminal offence. According to the petitioner, the petitioner and her husband were not present at the crime spot during the occurrence and in order to establish the same, an application has been made to the Public Information Officer, Commissioner of Police, Madurai invoking the provisions of the Right to Information Act on 22.07.2024. The said



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application was forwarded to the third respondent on 09.08.2024 and on the very same day, the said application came to be rejected citing that information sought was exempted under Section 8(i)(J) of the RTI Act, 2005.

3. The said rejection order was received by the petitioner on 17.08.2024 and aggrieved by the said order, the petitioner has preferred a first appeal on 21.10.2024 before the second respondent, which has been received by the second respondent on 22.10.2024. Since the second respondent did not give any reply or pass orders on the said first appeal, the petitioner has preferred the second appeal on 25.11.2025, which has been received by the first respondent on 26.11.2024. The petitioner seeks the disposal of the said second appeal preferred by the petitioner before the first respondent.

4. The learned Standing Counsel for the respondents would submit that the second appeal itself is premature since the second respondent has a period of 30 days for passing orders in the first appeal and additionally a further 15 days. According to the Standing Counsel for



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the respondents, the first appeal was preferred within the said 45 days created a window and therefore, the writ petition is premature and hence, the second appeal cannot be entertained.

5. I have considered the submissions advanced by the parties.

6. The fact remains that even after the expiry of 45 days the second respondent has not passed an order on the first appeal. Therefore, holding this technical objection against the petitioner is not sustainable at this juncture. The second appeal has admittedly been filed on 25.11.2024 and therefore, the first respondent is statutorily bound to pass orders on merits and dispose of the second appeal pending before him.

7. Considering the fact that the second appeal came to be filed only on account of an in action on the part of the second respondent in passing the orders on the first appeal, I am inclined to allow the writ petition on the following manner:-'



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(i) The writ petition is allowed with a direction to the second respondent to pass orders on the first appeal preferred by the petitioner within 30 days from the date of receipt of a copy of this order. No costs.

Index : Yes / No
NCC : Yes / No
am

12.02.2025

TO:-

- 1.The District Revenue Officer,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Melur,
Madurai District.
- 3.The Tahsildar,
Madurai South,
Madurai District.



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P.B. BALAJI, J.

am

Order made in
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Dated:
12.02.2025