

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.12.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.33418 of 2018
and
W.M.P.No.38786 of 2018

M/s. Thomas Iyadurai Infrastructure Pvt. Ltd.,
rep. by its Managing Partner,
Thomas Iyadurai,
No.1/2, M.D.Samy Nagar,
Arul Nagar 1st street,
M.M.C., Chennai - 600 051. Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation/ Public Information Officer,
Rippon Buildings,
Chennai - 600 003.
2. The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from furnishing or inspecting the documents mentioned in the letter in S.W.D.C.No.B3/4161-35/2017 dated 19.11.2018 on the file of the 2nd respondent with regard to the petitioner under the Right to Information Act, 2005 or under the provisions of Indian Evidence Act to any other third party.

For Petitioner : Mr. C.Senthilkumar

For Respondents : Mrs. Karthika Ashok
Standing counsel

C O M M O N O R D E R

This writ petition has been filed forbearing the respondents from furnishing the information sought for by the third party under the notice issued under Section 11(1) of the Right to Information Act. (Hereinafter called as "Act")

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record carefully.

3. It is only a notice under Section 11(1) of the Act, asking for opinion of the petitioner, and pursuant to the notice, under Section 11(2) of the Act, the petitioner has submitted his objection. Now, The authorities shall pass order under Section 11(3) of the Act, regarding the furnishing of information as required by the third party after considering the objections raised by the petitioner. If the petitioner is aggrieved by the same, they can prefer appeal under Section 19 of the Act. It is only a notice issued under Section 11(1) of the Act, at this stage, the petitioner cannot challenge the same. Hence, I find no merit in the writ petition.

4. However, now the petitioner submitted his objection under Section 11(2) of the Act, and the authorities concerned are directed to consider the petitioner's objection and pass suitable orders on merits under Section 11(3) of Act, after giving opportunity to the petitioner. Till the order is passed, the respondents are directed not to furnish any information to third parties.

5. With the above direction, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

mrp
To

Sub Assistant Registrar

1. The Commissioner,
Greater Chennai Corporation/ Public Information Officer,
Rippon Buildings,
Chennai - 600 003.

2. The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

+2 ccs to Mr.C.Senthilkumar, Advocate, S.R.No.86818
+1 cc to M/s.Karthikaa Ashok, Advocate, S.R.No.86883

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SS(CO)
SSM(18/02/2019)