

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33538 of 2018
and
W.M.P.No.38931 of 2018

M/s.M.P.K.Enterprises,
represented by its Partner,
K.Sathish Kumar,
No.92, Nehru Street,
Choolaimedu,
Chennnai-600 094.

... Petitioner

vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
2. The Superintending Engineer/ Public Information Officer,
Storm Water Drain Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
3. The Superintending Engineer,
Bus Route Roads Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
4. The Superintending Engineer,
Buildings Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
5. The Superintending Engineer,
Solid Waste Management Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

6. The Finance Adviser,
Finance Management Unit,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

...Respondents

Writ 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.B3/4161-39/2017 dated 19.11.2018 on the file of the second 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.S.Doraisamy

O R D E R

This writ petition is filed seeking for mandamus forbearing the respondents from furnishing or inspecting the documents mentioned in the letter 19.11.2018 on the file of the respondents with regard to the petitioner, under the Right to Information Act, 2005.

2. Heard Mr.S.Doraisamy, learned counsel for the petitioner.

3. The case of the petitioner is as follows:

The petitioner is a registered Class-I contractor in the Chennai Corporation, Public Works Department and the State Level Contractor in the Tamil Nadu Highways Department. The petitioner is doing the contractual works for over several years. One Jayaram Venkatesan had preferred an application dated 10.11.2018 to the second respondent under Section 6(3) of the RTI Act, 2005, to furnish certain information regarding the work executed by the petitioner. On receipt of such application from the above said person, the second respondent through letter dated 19.11.2018, sent a communication to the petitioner stating that the petitioner had been awarded the work of construction of storm water drain under CMCDM 2018 scheme and one M/s.Arappor Iyakkam, an NGO has requested details with regard to the petitioner's tender details and other documents of the tender, which includes the petitioner's personal details like Bank Accounts etc., under the RTI Act, 2005. Thus, the petitioner was called upon to give his opinion, under Section 11(1) of the RTI Act, 2005 for sharing all the information. The petitioner was directed to submit his reply within 5 days. The petitioner filed an objection on 23.11.2018 with a request to the respondents not to furnish any tender details and other associated documents, which includes his personal details like

bank balance, income tax returns etc., since the information sought for by the said person cannot be furnished under the RTI Act, 2005 and the said person has no right to access the documents relating to any individual and hence, the proceedings issued by the second respondent is arbitrary and illegal.

4. The learned counsel for the petitioner submitted that even though the petitioner has made their objections against furnishing those documents sought for under the RTI Act, 2005, even before considering the objections, these respondents may release those information to the said person. Therefore, the learned counsel sought to maintain the present writ petition before this Court.

5. Upon hearing the learned counsel for the petitioner and perusing the materials placed before this Court, more particularly, the averments in the affidavit filed in support of this writ petition, this Court is of the view that this writ petition is totally mis-conceived, in view of the fact that the RTI application is pending before the concerned RTI authority and admittedly, the petitioner has also made his objections dated 23.11.2018 before such authority against providing the information sought for. When such being the position, I do not think that the petitioner is entitled to seek for mandamus as stated in this writ petition, especially, when the fact remains that the RTI authority is yet to pass any order in the RTI application. If any order is passed by the RTI authority, then only the petitioner may have a cause of action, if such order is passed adversely against his interest. Therefore, I find that the prayer sought for in this writ petition is totally mis-conceived and pre-mature. Accordingly, this writ petition is disposed of, with liberty to the petitioner to agitate the matter before the RTI authority in pursuant to the objections raised already under Section 11(1) of the RTI Act, 2005. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

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+1cc to Mr.S.Doraisamy, Advocate Sr.87518

W.P.No.33538 of 2018

mp[col]
srg 23/01/2019