

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.33578 of 2018 & W.M.P. 38965 of 2018,
W.P. 33584 of 2018 & W.M.P.38970 of 2018,
W.P. 33590 of 2018 & W.M.P. 38975 of 2018,
W.P. 33599 of 2018 & W.M.P. 38980 of 2018
and
W.P. 33595 of 2018 & W.M.P. 38988 of 2018

W.P.No.33578 of 2018

M/s.Murali Foundation
rep. by its Proprietor,
Mr.K.Murali,
No.87/29, South Madha Street,
Thiruvanmiyur,
Chennai-41.

.... 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.

... 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.B3/4161-55/2017 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.

W.P.No.33584 of 2018

R. Kannan

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

2. The Superintending Engineer/
The Public Information Officer,
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.B3/4161/2017 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.

W.P. No.33590 of 2018

M/s. Murali Foundation,
rep. by its Proprietor,
Mr.K.Murali,
No.87/29, South Madha Street,
Thiruvannmiyur,
Chennai-41.

.... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

2. The Superintending Engineer/
Public Information Officer,
Bus route Roads 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 B.R.R.C.No.B1/3811/2018,

B.R.R.C.No.B1/3812/2018, B.R.R.C.No.B1/3813/2018, B.R.R.C.No.B1/3814/2018, B.R.R.C.No.B1/3815/2018, B.R.R.C.No.B1/3585/2018, 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.

W.P. No.33599 of 2018

R.Kannan

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

2. The Superintending Engineer/
The Public Information Officer,
Bus Route Road 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 B.R.R.C.No.B1/3811/2018, B.R.R.C.No.B1/3812/2018, B.R.R.C.No.B1/3813/2018, B.R.R.C.No.B1/3814/2018, B.R.R.C.No.B1/3815/2018, B.R.R.C.No.B1/3585/2018, 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.

W.P.No.33595 of 2018

M/s. Annai Earth Movers,
rep. by its Proprietor
Rajasekar,
No.2, TVK Link Road,
Krishnamoorthy Nagar,
Kodungaiyur,
Chennai-600 118.

... 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.

... 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.B3/4161-10/2017 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.Senthil Kumar

For Respondents : Mrs. Karthikaa Ashok
Standing Counsel

C O M M O N O R D E R

These writ petitions have been filed forbearing the respondents from furnishing the information sought for by the third party pursuant to a notice issued under Section 11(1) of the Right to Information Act (hereinafter called as "Act").

2. Heard the learned counsel appearing for the petitioners and the learned 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 petitioners, and pursuant to the notice, under Section 11(2) of the Act, the petitioners have submitted their objections. 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 petitioners. If the petitioners are 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 petitioners cannot challenge the same. Hence, I find no merit in the writ petitions.

4. However, now the petitioners submitted their objections under Section 11(2) of the Act, and the authorities concerned are directed to consider the petitioners' objection and pass suitable orders on merits under Section 11(3) of Act, after giving opportunity to the petitioners. Till the order is passed,

the respondents are directed not to furnish any information to third parties.

5. With the above direction, all the writ petitions are disposed of. No costs. Consequently connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

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/
Public Information Officer,
Bus Route Roads Department,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

+10 ccs to Mr.C.Senthilkumar, Advocate SR.No.89838, 89839, 89840, 89841, 89851

+1cc to Mrs.Karthikaa Ashok, Advocate SR.No.89799

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W.M.P. 38988 of 2018

NRL(CO)
GMY(12/02/2019)