

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. Nos. 33764, 33775 and 33779 of 2018
and
W.M.P.Nos.39200, 39213 and 39219 of 2018

M.K.Construction,
Mr.K.Gopi,
No.27/4, New 39, Raju Street Lane,
Ayanavaram, Chennai - 23. ... Petitioner in
W.P.No.33764 of 2018

Mr.K.Sathish Kumar,
No.55, (Old 24),
Thandavaraya Gramani Street,
Tondiarpet, Chennai - 600 081. ... Petitioner in
W.P.No.33775 of 2018

M/s.Valli Saravana Constraction Partnership,
Mr.P.S.K.Saravanan,
No.11, Corporation Colony,
4th Street, Tondiarpet,
Chennai-81. ... Petitioner in
W.P.No.33779 of 2018

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

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

... Respondents in
W.P.No.33764 of 2018

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

2. The Public Information Officer,
Storm Water Drain Department,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

... Respondents in
W.P.Nos.33775 & 33779 of 2018

PRAYER in W.P.No.33764 of 2018: 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.B3/4161-52/2017 dated 03.12.2018 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.

PRAYER in W.P.No.33775 of 2018: 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.B3/4161/2017 -09 dated 03.12.2018 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.

PRAYER in W.P.No.33779 of 2018: 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.B3/4161-26/2017, 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 in all W.Ps. : Mr.C.Senthilkumar

For Respondents in all W.Ps. : Mrs.Karthikaa Ashok
Standing Counsel

ORDER

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 referred to as "Act")

2. Heard the learned counsel appearing for the petitioners 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 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 miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

mrp

To

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

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

4. The Public Information Officer,
Storm Water Drain Department,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

+1cc to Mr.Karthikaa Ashok, Advocate SR.No.88667

W.P. Nos. 33764, 33775
and 33779 of 2018

PP(CO)
GMY(14/02/2019)



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