

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 33776 of 2018

and

W.M.P. 39216 of 2018

Junitha Constructions,
Proprietor,
Mr.D.Mohamed Farouk,
No.10/19, Residency Apartment,
Bawa Road, Alwarpet,
Chennai-600 018.

... Petitioner

Versus

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

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

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from furnishing or inspecting the documents mentioned in the letter in S.W.D.C.No.B3/4161-13/2017, 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.Karthikaa Ashok

ORDER

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.

2. Heard the learned counsel appearing for the petitioner

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 petitioner, and under Section 11(2) of the Act, the petitioner has submitted their objection. Now, it is for the authorities to consider the objection and pass order under Section 11(3) of the Act. If the petitioner is aggrieved with the order, he can prefer an appeal under Section 19 of the Act. Now, at this stage, the petitioner cannot challenge the notice under Section 11(1) of Act. Hence, I find no merit in the writ petition.

4. Since the petitioner submitted the objection under Section 11(2) of the Act, 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 present writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rpp

To

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

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

+1cc to Mr.Karthika Ashok, Advocate, S.R.No. 87734

+2cc to Mr.C.Senthil Kumar, Advocate, S.R.No. 88785

W.P. 33776 of 2018
and

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PP(CO)
GN(15/02/2019)