

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. Nos. 34015, 34021 and 34025 of 2018
and
W.M.P.Nos.39501, 39509 and 39513 of 2018

M/s.M.Kavitha,
rep. by its Proprietor,
M.Kavitha,
No.2, Saraswathi Nagar 2nd Street,
Andal Nagar Extension, Adambakkam,
Chennai - 88. ... Petitioner in all Petitions

Vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003. ... 1st Respondent in all petitions
2. The Superintending Engineer,
Storm Water Drain Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003. ... 2nd Respondent in
W.P.Nos.34015 & 34021 of 2018
3. The Superintending Engineer,
Bus Route Roads Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003. ... 2nd Respondent in
W.P.No. 34025 of 2018

PRAYER in W.P.Nos.34015 and 34021 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.B3/4161-48/2017 and S.W.D.C.No.B3/4161-07/2017 dated 19.11.2018 respectively on the file of the second respondent with regard to the petitioner under the Right to Information Act, 2005 or under the provisions of India Evidence Act to any other third party.

PRAYER in W.P.No.34025 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 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 second respondent with regard to the petitioner under the Right to Information Act, 2005 or under the provisions of India 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(CS IV)

//True Copy//

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 Superintending Engineer,
Bus Route Roads Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

+6 cc's to Mr.C.Senthilkumar, Advocate Sr.No.88786 to 88788

+1 cc to Mrs.Karthika, Advocate Sr.No.88668

W.P. Nos. 34015, 34021
and 34025 of 2018

RK(CO)
CSL/20.02.2019