

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.95, 98, 101, 102, 103, 106 & 109 of 2019
and
W.M.P.Nos.114, 119 & 122 of 2019

T.Ramasamy ... Petitioner in W.P.No.95 of 2019

A.Balaji Petitioner in W.P.No.98 of 2019

M/s.S.P.Builders,
rep. By its Proprietor,
R.Murugesan, S/o Raman,
No.216/5, Rohini Flats,
Anna Nagar west,
Chennai - 600 101. ...Petitioner in W.P.No.101 of 2019.

M/s.Pearls Engineers Construction,
Co-operative Society Ltd.,
No.33,/69, Periya Street, Triplicane, Chennai - 05.
rep. by its Member, A.Palani. ...Petitioner in W.P.No.102 of 2019.

M/s.Spancrete Civil Engineering, rep. by its partner,
K.Shanmugam,
No.129, 3rd Main Road,
Porur Garden, Vanagaram, Chennai - 600 095.
...Petitioner in W.P.No.103 of 2019.

M/s.R K and Sons, rep. by its partner, R.Ganesan,
P.No.1, Jeswant Nagar,
Mugappair West, Chennai - 600 037.
...Petitioner in W.P.No.106 of 2019.

K.Durvasulu ...Petitioner in W.P.No.109 of 2019.

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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 Adviseer,
Finance Management Unit,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

... Respondents in all W.Ps

PRAYER in W.P.No.95 of 2019 : 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.B3/4161-44/2017 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.

PRAYER in W.P.No.98 of 2019 : 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.B3/4161-47/2017 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.

PRAYER in W.P.No.101 of 2019 : 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.B3/4161-3/2017 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.

PRAYER in W.P.No.102 of 2019 : 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 letters in S.W.D.C.No.B3/4161-41/2017 and S.W.D.C.No.B3/4161-8/2017 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.

PRAYER in W.P.No.103 of 2019 : 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.B3/4161-71/2017 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.

PRAYER in W.P.No.106 of 2019 : 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.B1/5127/2018 dated 19.11.2018 on the file of the third 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.109 of 2019 : 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.B3/4161-34/2017 and S.W.D.C.No.B3/4161-73/2017 dated 19.11.2018 on the file of the third 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 petitions : Mr.S.Doraisamy
For Respondents in all petitions: Mrs.Karthikaa Ashok

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, for furnishing the information sought by a third party. Now it is stated that pursuant to the notice, the petitioners have submitted their objections Under Section 11(2) of the Act. Under Section 11(3) of the Act, the authorities shall pass orders 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 order, they can prefer an appeal under Section 19 of the Act and at this stage, the petitioners cannot challenge the notice issued Under Section 11 (1) of the Act. Hence, I find no merit in these writ petitions.

4. However, now the petitioner submitted his 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, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

- सत्यमेव जयते
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 Adviseer,
Finance Management Unit,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

+1 CC to Ms. Karthika Ashok, Advocate sr 987.

+7 CCs to Mr.S.Doraisamy, Advocate sr 1185 to 1191.

W.P.Nos.95, 98, 101, 102, 103, 106 & 109 of 2019
and
W.M.P.Nos.114, 119 & 122 of 2019

SSD(CO)
SP(15/02/2019)

सत्यमेव जयते

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