

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.495, 502 & 503 of 2019
and
W.M.P.Nos.505, 511 & 513 of 2019

M/s.G.K. Enterprises
Rep. by its Proprietor K.Geetharani
Rep. by its Power of Attorney
G.K.Sharavana Perumal
No.139/85A, G.N.T.Road,
Ponniyammanmedu, Madhavaram,
Chennai-600 110.

..Petitioner
(in all WPs)

vs.

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

..1st respondent
(in all WPs)

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

.2nd Respondent
(in WP No.495 of 2019)

3.The Superintending Engineer/
Public Information Officer
Storm Water Drain Department
Greater Chennai Corporation
Rippon Buildings, Chennai-600 003.

.2nd Respondent
(in WP Nos.502 & 503 of 2019)

Writ Petition No. 495 of 2019 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 No.B.R.R.C.No.B1/5127/2018 dated 19.11.2018 on the file of the 2nd respondent with regard to the petitioner under the Right to Information Act, 2005 to any other third party.

Writ Petition No.502 of 2019 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 No.S.W.D.C.No.B3/4161-11/2017 dated 19.11.2018 on the file of the 2nd respondent with regard to the petitioner under the Right to Information Act, 2005 to any other third party.

Writ Petition No.503 of 2019 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 No.S.W.D.C.No.B3/4161-58/2017 dated 19.11.2018 on the file of the 2nd respondent with regard to the petitioner under the Right to Information Act, 2005 to any other third party.

For Petitioner : Mr.K.Mohanamurali
(in all WPs)

For Respondents : Mr.T.C.Gopalakrishnan
standing counsel
(in all WPs)

C O M M O N O R D E R

All these writ petitions are filed seeking for mandamus forbearing the respondents from furnishing or inspecting the documents mentioned in the letter Nos.B.R.R.C.No.B1/5127/2018, S.W.D.C.No.B3/4161-11/2017 & S.W.D.C.No.B3/4161-58/2017 dated 19.11.2018 on the file of the 2nd respondent with regard to the respective petitioners under the Right to Information Act, 2005 to any other third party.

2. These petitioners are the registered contractors in the Chennai Corporation. Under similar circumstances, a writ petition in WP.33242 of 2018 was filed before this Court by another contractor seeking for the very same relief.

3. This Court, by order dated 17.12.2018, disposed the said writ petition, by holding that the writ petition is highly premature, with liberty to the petitioner to agitate the matter before the RTI authority in pursuant to the objections already raised by them. At Paragraph No.5 of the said order, it has been observed as follows:

"5. Upon hearing the learned counsel for the petitioner and perusing the materials placed before this Court, more particularly, the averments in the affidavit filed in support of this writ petition, this Court is

of the view that this writ petition is totally mis-conceived, in view of the fact that the RTI applications are pending before the concerned RTI authority and admittedly, the petitioner has also made his objections dated 29.11.2018 before such authority against providing the information sought for. When such being the position, I do not think that the petitioner is entitled to seek for mandamus as stated in this writ petition, especially, when the fact remains that the RTI authority is yet to pass any order in the RTI applications. If any order is passed by the RTI authority, then only the petitioner may have a cause of action, if such order is passed adversely against his interest. Therefore, I find that the prayer sought for in this writ petition is totally mis-conceived and pre-mature. Accordingly, this writ petition is disposed of, with liberty to the petitioner to agitate the matter before the RTI authority in pursuant to the objections raised already under Section 11(1) of the RTI Act, 2005. No costs. Consequently, connected miscellaneous petition is closed."

4. Since this Court finds that the issue involved in these writ petitions are squarely covered by the order passed by this Court in WP.No.33242 of 2018 dated 17.12.2018, these writ petitions are also disposed of, however, by granting liberty to the respective petitioners to agitate the matter before the RTI authority either by filing their objections or based on the objections already filed before such authority. No costs. Connected miscellaneous petitions are closed.

mk

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

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.

3.The Superintending Engineer/
Public Information Officer
Storm Water Drain Department
Greater Chennai Corporation
Rippon Buildings, Chennai-600 003.

+1cc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No.5641

+3CCs to Mr.K.Mohanamurali, Advocate, S.R.No.5476,5477 & 5478

W.P.Nos.495, 502 & 503 of 2019

Kak(21/03/2019)