

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.810 & 814 of 2019

and

W.M.P.Nos.898 & 894 of 2019

M/s.New Bharath Electrical & Enterprises
Rep. by its Partner D.Shankar Balaji
No.6/35, Ponniamman Koil Street,
245 Village Main Road, Sholinganallur
Chennai-600 119.

...Petitioner
(in WP.No.810 of 2019)

M/s.Selva Vinayagar Constructions
Rep. by its Partner E.Viswalingam
No.1/7C, Seevaram 1st Street, Perungudi
Chennai-600 096.

...Petitioner
(in WP.No.814 of 2019)

vs.

1. The Superintending Engineer
Bus Route Roads Department
Greater Chennai Corporation
Ripon Buildings, Chennai-600 003.

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

3. Mr.Jayaram Venkatesan
Arappor Iyakkam
140A, Rukmini Lakshmipathy Salai (Marshalls Road)
Egmore, Chennai-600 008.

.... Respondents
(in both WPs)

Writ Petition No. 810 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 1st and 2nd respondents from share the personal information sought by the 3rd respondent pursuant to the proceedings bearing B.R.R.C.No.B1/5127/2018 and S.W.D.C.No.B3/4161-72/2017 dated 19.11.2018 of the 1st and 2nd

respondents, which is exempted under Section 8(1)(j) of the Right to Information Act, 2005.

Writ Petition No. 814 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 1st and 2nd respondents from share the personal information sought by the 3rd respondent pursuant to the proceedings bearing B.R.R.C.No.B1/5127/2018 and S.W.D.C.No.B3/4161-46/2017 dated 19.11.2018 of the 1st and 2nd respondents, which is exempted under Section 8(1)(j) of the Right to Information Act, 2005.

For Petitioner : Mr.K.Elangoo
(in both WPs)

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

C O M M O N O R D E R

Both these writ petitions are filed seeking for mandamus forbearing the 1st and 2nd respondents from sharing the personal information sought by the 3rd respondent under the Right to Information Act, 2005, which according to the petitioner is exempted under Section 8(1)(j) of the RTI Act, 2005.

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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer
Bus Route Roads Department
Greater Chennai Corporation
Ripon Buildings, Chennai-600 003.

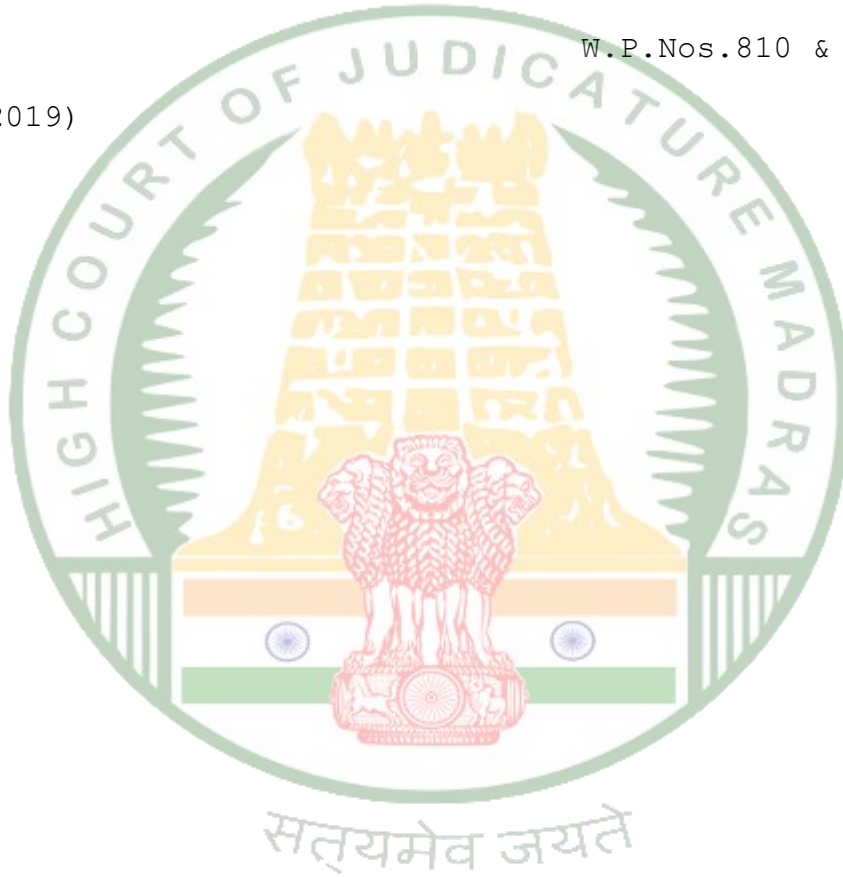
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2. The Public Information Officer
Storm Water Drain Department
Greater Chennai Corporation
Ripon Buildings, Chennai-600 003.

+1cc to Mr.T.C.Gopalakrishnan, Advocate, S.R.No. 5642
+2cc to Mr.K.Elango, Advocate, S.R.No. 6688

PPA (CO)
GN (27/02/2019)

W.P.Nos.810 & 814 of 2019



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