

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.01.2019

CORAM
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1236 of 2019
and W.M.P.No.1387 of 2019

M/s.Lakshmi Narayana Construction
Rep. by its Partner S.Sundar Rajan
No.10, Kalai Magal Nagar,
Kolathur, Chennai - 600 099.

.. Petitioner

Vs.

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

2. Jayaram Venkatesan

.. Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbear the 1st respondent from share the personal information sought by the 2nd respondent pursuant to the proceedings bearing S.W.D.C.No.B3/4161-20/2017 & S.W.D.C.No.B3/4161-23/2017 dated 19.11.2018 of the 1st respondent, which is exempted under Section 8 (1) (j) of the Right to Information Act, 2005.

For Petitioner : Mr.K.Elangoo

For 1st Respondent : Mr.G.Anantharangan

सत्यमेव जयते

O R D E R

The instant Writ Petition has been filed for issuance of a Writ of Mandamus to forbear the 1st respondent from sharing the personal information sought by the 2nd respondent pursuant to the proceedings bearing S.W.D.C.No.B3/4161-20/2017 & S.W.D.C.No.B3/ 4161-23/2017 dated 19.11.2018 of the 1st respondent, which is exempted under Section 8 (1) (j) of the Right to Information Act, 2005. (Hereinafter called as "Act")

2. Heard the learned counsel appearing on both sides and perused the materials available on record.

3. It is only a notice under Section 11(1) of the Act, asking for opinion of the petitioner, and pursuant to the notice, under Section 11(2) of the Act, the petitioner has submitted his objections. Now, the authority concerned 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 petitioner. If the petitioner is aggrieved by the same, it can prefer an appeal under Section 19 of the Act. It is only a notice issued under Section 11(1) of the Act, at this stage, the petitioner cannot challenge the same. Hence, there is no merit in this Writ Petition.

4. However, now the petitioner submitted his objections under Section 11(2) of the Act, and the 1st respondent is directed to consider the petitioner's objection and pass suitable orders on merits under Section 11(3) of the Act, after giving opportunity to the petitioner. Till the order is passed, the first respondent is directed not to furnish any information to third parties.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.K.Elangoo, Advocate, S.R.No.7043

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SV(CO)

RRS (09/04/2019)