

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.1936 to 1940 of 2019

M/s.JS & Sons,
Rep. By its Proprietor,
J.Nirmal Chand,
No.17, Mothilal Street,
T.Nagar,
Chennai 600 017. ..Petitioner in W.P.Nos.1936, 1937 &
1938 of 2019

M/s.Sri Lakshana Foundation,
Rep. By its Partner,
J.Vadivel,
No.3A, 22nd Street,
C - Block, Sakthi Nagar,
Nerkundram,
Chennai - 600 107 .. Petitioner in W.P.No.1939 of 2019

R.Kubendran .. Petitioner in W.P.No.1940 of 2019

vs

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.
- 2.Public Information Officer,
Storm Water Drain Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 6000 003.
.. Respondents in W.P.Nos.1936, 1938 ,
1939 & 1940 of 2019

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

2.The Superintendent Engineer,
Bus Route Roads Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

.. Respondents in W.P.1937 of 2019

Prayer in W.P.Nos.1936, 1938, 1939 & 1940 of 2019 : 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 letters in S.W.D.C.No.B3/4161-59/2017, S.W.D.C.No.B3/4161-64/2017, S.W.D.C.No.B3/4161-17/2017, S.W.D.C.No.B3/4161-19/2017, dated 19.11.2018, on the file of the 2nd 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.1937 of 2019 : 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.B1/5127/2018 dated 19.11.2018 on the file of the 2nd respondent with regard to the petitioner under the Right to Information Act, 2005 or under the provisions of Indian Evidence Act to any other third party.

For Petitioner : Mr.Prabaharan Ka. In all W.Ps

For Respondents : Mrs.Karthika Ashok in all W.Ps

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 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.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mfa/mrp

To

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.
- 2.Public Information Officer,
Storm Water Drain Department,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 6000 003.
- 3.The Superintendent Engineer,
Bus Route Roads Department,
Greater Chennai Corporation,
Rippon Buildings, Chennai - 600 003.

+5 cc's to M/s.C.Senthil Kumar, Advocate Sr.Nos.7721 to 7725

+1 cc to M/s.Karthika Ashok, Advocate Sr.No.6613

W.P.Nos.1936 to 1940 of 2019

RGN(CO)
CSL/12.03.2019