

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4962 of 2019
and W.M.P.No.5666 of 2019

M/s.ALFA Builder
No.6/10B, Venugopalapuram Main Road
Palavanthangal
Chennai-600 114,
rep.by its Proprietrix,
Tmt.K.GowriPetitioner

Vs

- 1.The Commissioner,
Greater Chennai Corporation
Ripon Buildings,
Chennai-600 003.
- 2.The Superintending Engineer
Parks Department
Greater Chennai Corporation
Ripon Buildings,
Chennai-600 003.
- 3.The Zonal Officer, Zone 11
Greater Chennai Corporation
Valasaravakkam,
Chennai.
- 4.The Zonal Officer, Zone 12,
Greater Chennai Corporation,
Alandur, Chennai.
- 5.The Zonal Officer, Zone 13,
Greater Chennai Corporation,
Adyar, Chennai.Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the letter in Poo.Thu.Na.Ka.No.41/205/2019 dated 15.02.2019 on the file of the second respondent, quash the same and direct the respondents not to furnish the documents mentioned in the impugned letter 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.S.Duraisamy

For Respondents : Mrs.Karthika Ashok

ORDER

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.This writ petition has been filed challenging only the notice issued under Section 11(1) of the Right to Information Act ("Act" in short), asking for 'No Objection' from the petitioner for furnishing the information sought for by a third party. Now, it is stated by the learned counsel for the petitioner that pursuant to the notice, the petitioner has submitted objections under Section 11(2) of the Act, on 18.02.2019. Under Section 11(3), the authorities shall pass orders 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 order, an appeal under Section 19 of the Act shall be preferred. At this stage, the petitioner cannot challenge the notice issued under Section 11(1) of the Act. Hence, this Court finds no merits in this writ petition.

3.However, since the petitioner has submitted the objections under Section 11(2) of the Act on 18.02.2019 to the impugned notice, the authorities concerned are directed to consider the petitioner's objection and pass appropriate orders on merits under Section 11(3) of the Act, after giving opportunity to the petitioner. Till the order is passed, the respondents are directed not to furnish any information to third parties.

4.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

KM

To

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

2.The Superintending Engineer
Parks Department
Greater Chennai Corporation
Ripon Buildings,
Chennai-600 003.

3.The Zonal Officer, Zone 11
Greater Chennai Corporation
Valasaravakkam,
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4.The Zonal Officer, Zone 12,
Greater Chennai Corporation,
Alandur, Chennai.

5.The Zonal Officer, Zone 13,
Greater Chennai Corporation,
Adyar, Chennai.

+1cc to Mr.S.Doraisamy, Advocate SR.No.17850

+1cc to Mrs.Karthikaa Ashok, Advocate SR.No.17682

W.P.No.4962 of 2019
and
W.M.P.No.5666 of 2019

RJI (CO)
GMY (23/03/2019)

सत्यमेव जयते

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