

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.9923 of 2019 &
W.M.P.No.10509 of 2019

Tmt.M.Mullaimalar

..Petitioner

Vs.

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

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

3.The Executive Engineer / Public
Information Officer,
Stadium Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorarified Mandamus to call for the records relating to the letter in A.Thu.Na.Ka.No.A3/284/2019, dated 25.03.2019 on the file of the third respondent and 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 the Indian Evidence Act to any other third party.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mrs.Kaarthika Ashok
Standing Counsel
for Chennai Corporation

O R D E R

Mrs.Kaarthika Ashok, learned Standing Counsel takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal.

2. This writ petition has been filed challenging the notice issued by the third respondent, dated 25.03.2019, 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.

3. The case of the petitioner is that he participated in the tender invited by the second respondent and he was the successful bidder and thereafter, agreement was entered between the petitioner and the second respondent and now the petitioner is maintaining the play courts from the date of agreement, as per the tender conditions. While so, the third respondent issued a letter 25.03.2019 to the petitioner asking for "No Objection" from him for furnishing the information sought for by a third party. Hence, the petitioner made an objection to the third respondent on 28.03.2019 not to furnish any details relating to tender and other associated documents, which includes their personal matters, like Bank balance, income Tax returns etc., . Hence, the present Writ Petition.

4. In similar matter, an identical issue was considered by this Court in W.P.No.4962 of 2019, dated 26.02.2019, wherein this Court directed the respondents 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. The operative portion of the order reads as follows:-

"3. 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."

5. In the light of the above, the respondents directed to consider the petitioner's objection dated 28.03.2019 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.

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

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

r n s

To

- 1.The Commissioner,
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- 3.The Executive Engineer / Public
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Stadium Department,
Greater Chennai Corporation,
Rippon Buildings,
Chennai - 600 003.

- +1 CC to Govt. Pleader sr 32697.
+1 CC to M/s.Karthika Ashok, Advocate sr 31747.
+1 CC to Mr.S.Doraisamy, Advocate sr 31522

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KAN(CO)
SP(05/04/2019)