

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2019

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No. 15310 of 2019
and
WMP.Nos. 15295 and 15301 of 2019

M/s.Kumar Builders
No.5, 4th Cross Street
Anna Avenue, Ranipet 632 403
Rep.by its Partner
S.Gopinath.

... Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation
Rippon Building, Chennai 600 003.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the letter in S.W.D.C.No.B3/4161-42/2017 dated 19.11.2018 on the file of the Second Respondent quash the same and direct the Respondents not to furnish the documents mentioned in the impugned letter and other connected work viz. Package 40 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.Doraisamy

For Respondents : Mr. G.Anantharangan for R1 & R2
Standing Counsel

O R D E R

The Writ Petition has been filed for the issuance of a Writ of Mandamus forbearing the Respondents from furnishing information or inspecting the documents in pursuance of letter

bearing S.W.D.C. No. B3/4161-42/2017 dated 19.11.2018 on the file of the Second Respondent with regard to the work of the Petitioner under the Right to Information Act, 2005, or under the provisions of the Indian Evidence Act, 1872, to any other third Party.

2. On a perusal of the aforesaid letter S.W.D.C. No. B3/4161-42/ 2017 dated 19.11.2018 issued by the Second Respondent to the Petitioner, it is seen that it is merely a notice under Section 11(1) of the Right to Information Act, 2005, requiring the Petitioner to place his concurrence or objections for the information required by the third party regarding the Petitioner. The scheme of the Right to Information Act, 2005, as reflected from Section 11(2) thereof indicates that the Petitioner has a right to be given opportunity to make representation against any proposed disclosure of information and thereafter the Second Respondent has to make a decision as to whether or not to disclose the information regarding the Petitioner to the third party and in the event of an adverse decision against the Petitioner, he has a right to prefer appeal against the same invoking Section 19(2) of that Act. In other words, the provisions of the Right to Information Act, 2005, provide for an in-built mechanism to the Petitioner to work out his remedies against disclosure of information relating to him sought by the third party. The Petitioner has not explained any extenuating circumstances to deviate from the said procedure. In that view of the matter, the Petitioner would have to resort to the same. It is needless to add here that till final decision is taken in the matter in accordance with the aforesaid legal provisions, the information relating to the Petitioner shall not be disclosed to third parties.

3. Accordingly, the Writ Petitions stands disposed with the aforesaid observations. Consequently, connected Miscellaneous Petitions are closed. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar (CCC)

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Sub Assistant Registrar

dna

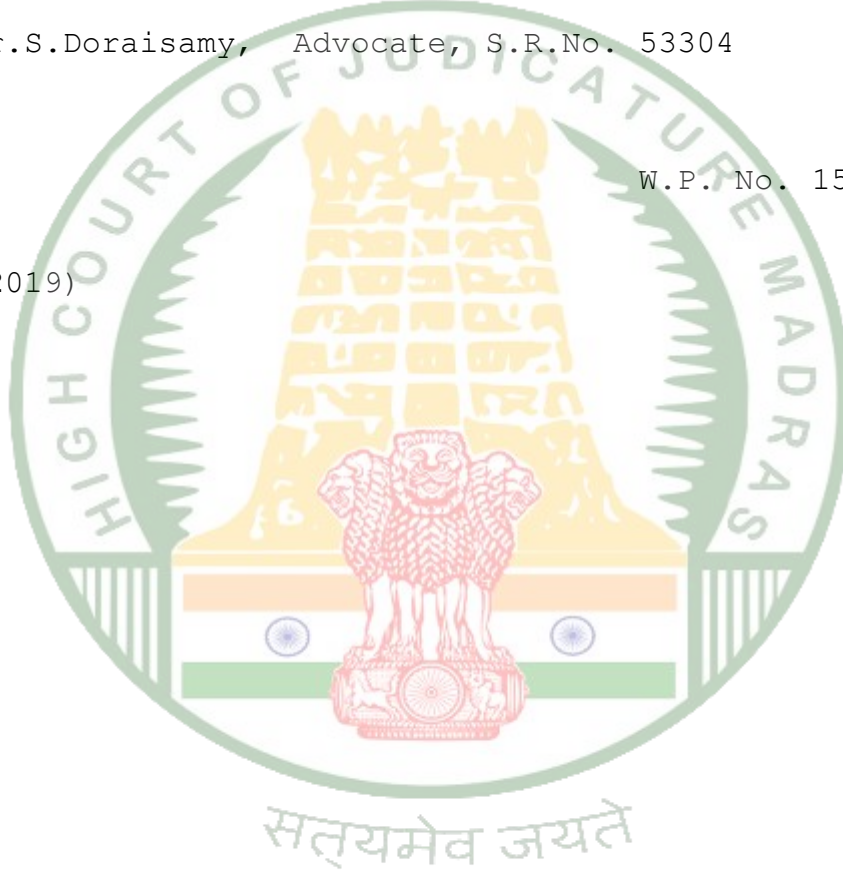
To

- 1.The Commissioner,
Greater Chennai Corporation
Rippon Building, Chennai 600 003.
- 2.The Public Information Officer
Storm Water Drain Department
Greater Chennai Corporation
Rippon Buildings, Chennai 600 003.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No. 53304

W.P.No. 15310 of 2019

NR(CO)
GN(19/08/2019)



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