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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.21430 of 2019

Vasudevan

.. Petitioner

/versus/

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

2.The Superintending Engineer,
Bus Route Roads Department,
Greater Chennai corporation,
Chennai-600 003.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent from furnishing or inspecting the documents mentioned in the letter B.R.R.C.No.B1/5127/2018 dated 19.11.2018 with regard to the petitioner under Right to Information Act 2005 or under provision of evidence act to any other third party.

For petitioner : Mr.Ravichandran.S

For Respondents : Mrs.Karthika Ashok
Standing counsel

ORDER

The petitioner herein is aggrieved by the notice issued by the 2nd respondent seeking concurrence of the petitioner to furnish information to one Jayaram Venkatesh, Arappor Iyyakkam. Since the information sought by the said Jayaram Venkatesh under Section 6(1) of RTI Act appears to be personal information of the petitioner.

2. The 2nd respondent sought for concurrence of the petitioner as per Section 8(d) of the RTI Act. The said notice under Section 8(1) of the Act has been received by the petitioner on 06.01.2019. If the information sought relates to any commercial secrecy, the petitioner has right to decline the concurrence. Hence, the petitioner has approached this Court after six months from the date of receipt of the said notice.



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3. The learned counsel appearing for the petitioner contended that in similar circumstances some of the contractors have approached this Court and this Court has passed the following order:-

"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. The facts of the case indicate that the petitioners have already given their objections pursuant to the notice received under Section 11(2) of the Act. Whereas in this case, the petitioner had not given any objections to receive concurrence sought by the 2nd respondent, directly approached this Court that too after a lapse of seven months.

5. Hence, this Court finds no merit in this writ petition and the same is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2.The Superintending Engineer,
Bus Route Roads Department,
Greater Chennai corporation,
Chennai-600 003.

+1 cc to M/s.A.Karthika Ashok,Advocate Sr.No. 69150

AKM/17.09.19/2P-4C /

W.P.No.21430 of 2019