

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P. No. 21658 of 2019
and
W.M.P. No. 20878 of 2019

Coimbatore Road Contractors Welfare Association,
Registration No. 242/2010,
No. 8/18, Dynasty Apartment,
Sundaresan Lay Out,
Trichy Road,
Coimbatore - 641 018.
Rep. by its Secretary,
K. Selvaraj. Petitioner

-vs-

1. State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Highways, Minor Ports Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Divisional Engineer,
Highways,
Construction and Maintenance,
Gobi Chettipalayam,
Erode District. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the letter in Na. Ka. No. 45/2019/E.Va.Aa/dated 02.07.2019 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 members of the Petitioner under the Right to Information Act, 2005 or under the provisions of India Evidence Act to any other third party.

For Petitioner : Mr. V. Elangovan
For Respondents : Mr. M. Karthikeyan,
Additional Government Pleader

ORDER

The Writ Petition has been filed challenging letter Na. Ka. No. 45/2019/E.Va.Aa dated 02.07.2019 issued by the Second Respondent and consequently direct the Respondents not to furnish the documents mentioned in the impugned letter with regard to the members of the Petitioner under the Right to Information Act, 2005 or under the provisions of India Evidence Act, 1872, to any other third party.

2. On a perusal of the aforesaid letter No. 45/2019/E.Va.Aa dated 02.07.2019 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 objection for the information regarding the Petitioner required by the third party. 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 take 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, which the Petitioner would have to resort. The Petitioner has not explained any extenuating circumstances to deviate from the said procedure. 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 Petition stands disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary,
State of Tamil Nadu,
Highways, Minor Ports Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

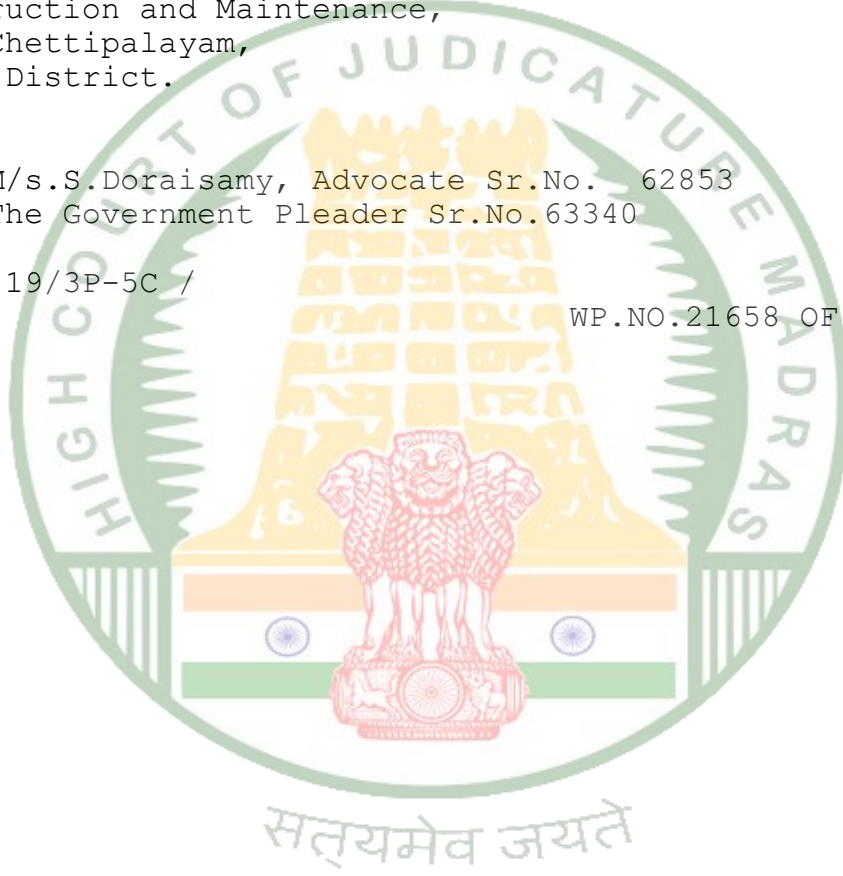
2. The Divisional Engineer,
Highways,
Construction and Maintenance,
Gobi Chettipalayam,
Erode District.

+1 cc to M/s.S.Doraisamy, Advocate Sr.No. 62853

+1 cc to The Government Pleader Sr.No.63340

AKM/06.09.19/3P-5C /

WP.NO.21658 OF 2019



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