



W.P.No.28271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.28271 of 2023

and WMP.No.27790 of 2023

DK95 Veppannapalli Panchayat
Union School Teachers and
Employees Co-operative Thrift And
Credit Society Limited Rep.by its
Secretary Veppannapalli Post
Krishnagiri Taluk and District.

Petitioner(s)

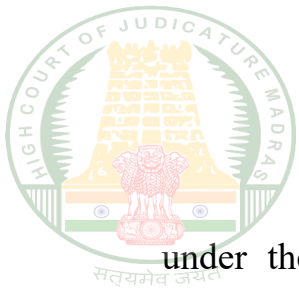
Vs

1.The Deputy Registrar of Co-operative
Societies / Public Information Officer
Krishnagiri Circle, Krishnagiri.

2.R.Balakrishnan
S/o Rangasamy Mudaliar
1/ 20 Kallukurichi Village
Krishnagiri Taluk 635 001.

Respondent(s)

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the letter of direction issued by the 1st respondent in Na.Ka.No.06/2020 Tha.Va(2) dated 16.08.2023 quash the same holding that the petitioner Co-operative Society Registered
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under the Tamil Nadu Co-operative Societies Act will not fall within the definition of “Public Authority” as defined under Section 2(h) of the RTI Act.
under the Tamil Nadu Co-operative Societies Act will not fall within the definition of “Public Authority” as defined under Section 2 (h) of the RTI.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.C.Prabakaran for R1
Government Counsel
R2-Sd-No appearance

ORDER

The petitioner challenges the communication dated 16.08.2023 issued by the first respondent directing the petitioner to furnish information to the second respondent under the Right to Information Act, 2005.

2. The petitioner is a registered Co-operative Society. It is the specific case of the petitioner that the Society does not receive any financial assistance from the Government and, therefore, does not fall within the definition of a “public authority” under Section 2(h) of the Right to Information Act.

3. The question whether a Co-operative Society, which is not substantially financed by the Government, is amenable to the provisions of the Right to Information Act has already been considered by the Hon’ble Supreme



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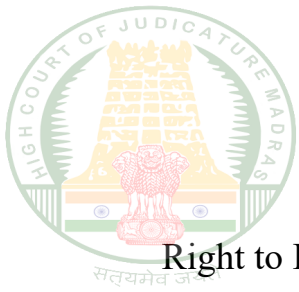
Court in Thalappalam Service Co-operative Bank Ltd. and Others v. State

of Kerala and Others, reported in (2013) 16 SCC 82, and also by the Division Bench of this Court in **W.A. Nos.2425 to 2428 and 2500 of 2013**, decided on **29.04.2015**, wherein it was held as follows:

“15. On a perusal of the above judgments, it is clear that a Co-operative Society registered under the relevant Co-operative Societies Act cannot be brought within the purview of the Right to Information Act unless it is established that the Society is substantially financed, directly or indirectly, by the appropriate Government. Merely because the Society is administered by a Special Officer, it does not become amenable to the Act. It has also been held that the burden of proving that the Society is substantially financed by the Government lies on the information seeker and not on the Society from which the information is sought.

16. In view of the settled legal position, a Co-operative Society which is not covered by the provisions of the Right to Information Act is not required to furnish the information sought. Consequently, the direction issued by the Information Commission through the impugned order cannot be sustained and is liable to be set aside.”

4. It is, therefore, clear that unless it is established that a Co-operative Society is substantially financed, either directly or indirectly, by the appropriate Government, it cannot be treated as a public authority under Section 2(h) of the



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Right to Information Act.

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5. In the present case, the petitioner Society is not a statutory body. The ultimate authority of the Society vests with its General Body. That fact, by itself, does not give rise to a presumption that the Society is substantially financed by the Government.

6. The Hon'ble Supreme Court in *Thalappalam Service Co-operative Bank Ltd.* has also explained the scope of the expression “substantially financed” and the meaning of “control” in paragraphs 36 to 38 of the judgment, which read as follows:

“36. A body which is controlled by the appropriate Government can fall within the definition of a public authority under Section 2(h)(d)(i).

37. The expression “controlled” has to be understood in the context of the Right to Information Act and not in the context of Article 12 or Article 226 of the Constitution. The word has not been defined in the Act and must therefore be interpreted in the context in which it appears, namely along with the expressions “owned” and “substantially financed”.

38. While interpreting the scope of the expression “control”, the Supreme Court in State



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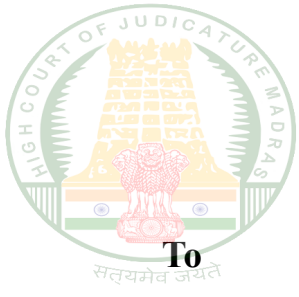
of West Bengal v. Nripendra Nath Bagchi held that the expression includes disciplinary control and all incidental powers necessary to exercise such control. The Court observed that “control” is not confined to the day-to-day administration but extends to complete disciplinary jurisdiction over the authority concerned. This principle was subsequently reiterated in Chief Justice of A.P. v. L.V.A. Dixitulu.

7. In the light of the above settled legal position, this Court has no hesitation in holding that the petitioner Co-operative Society does not fall within the ambit of the Right to Information Act, as there is nothing on record to show that it is substantially financed by the Government. Consequently, the communication dated 16.08.2023 issued by the first respondent directing the petitioner to furnish information under the Right to Information Act is liable to be interfered with.

8. Accordingly, the impugned communication is quashed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes/No
Speaking order : Yes/No
dna



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To

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The Deputy Registrar of Co-operative
Societies / Public Information Officer
Krishangiri Circle, Krishnagiri.



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HEMANT CHANDANGOUDAR.J.,

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