

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.2125 of 2013  
and  
M.P.Nos.1 & 2 of 2013

S.Muthusamy

.. Petitioner

Versus

1.The Textile Control Officer/  
Public Information Officer  
O/o.Assistant Director of Handloom & Textiles,  
No.426, Bhavani Main Road, Ashokapuram,  
Erode.

2.The Special Officer,  
Chennimalai Kongu Weaver's Coop. Production  
and Sale Society Ltd., No.E.H.113,  
Chennimalai, Erode District.

3.P.Prakash

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1<sup>st</sup> respondent in his proceedings R.T.I. Act 86/2012/G, dated 26.12.2012 and quash the same.

For Petitioner : Mr.C.Prakasam

For R1 : Mr.V.Selvaraj  
Additional Government Pleader

For R2 : Mr.L.P.Shanmugasundaram  
Special Government Pleader

For R3 : No appearance

O R D E R

Heard Mr.C.Prakasam, learned Counsel appearing on behalf of the petitioner, Mr.V.Selvaraj, learned Additional Government Pleader appearing on behalf of the first respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing on behalf of the second respondent.

2.Learned Counsel for the petitioner would submit that the petitioner is a member of the Co-operative Society. The third respondent herein has filed an application before the first respondent to provide an opportunity to the writ petitioner. On the basis of the said application, an impugned notice dated 26.12.2012 has been served to the Writ Petitioner to provide details as requested by the third respondent. Aggrieved by this impugned notice, the petitioner has filed this present writ petition.

3.Learned Counsel for the petitioner relied upon the decision reported in Girish Ramchandra Deshpande Vs. Cen.Information Commr. & Others, 2012(5)CTC 810.

"8.Learned Counsel also submitted that the privacy appended to Section 8(1)(j) of the RTI Act widens the scope of documents warranting disclosure and if those provisions are properly interpreted, it could not be said that documents pertaining to employment of a person holding the post of Enforcement Officer could be treated as documents having no relationship to any public activity or interest.

9.Learned Counsel also pointed out that in view of Section 6(2) of the RTI Act, the Applicant making request for information is not obliged to give any reason for the requisition and the CIC was not justified in dismissing his Appeal."

4.In this regard, this Hon'ble Court in Writ Appeal Nos.2425 to 2428 and 2500 of 2013 reported in 2015(4)CTC 105 held as follows:

"8.On the next issue relating to Constitutional provisions and Cooperative autonomy, it was held that Cooperative Societies are not treated as unit of self-Government like Panchayat and Municipalities. The Hon'ble Supreme Court then proceeded to examine the provisions of the Right to Information Act, the effect of words "substantially finance" and the restrictions and limitations, which could be imposed in the larger public interest and held that the Cooperative Societies registered under the Kerala Cooperative Societies Act will not fall within the definition of "Public Authority" as defined under Section2(h) of the RTI Act.

9.In the light of the above, we have no hesitation to hold that the legal issue arising in the Appeals are squarely covered by the

decision of the Hon'ble Supreme Court in the case of Thalappalam Ser. Coop. Bank Ltd. And others V.State of Kerala and others, 2013 (6)CTC 98(SC). The distinction sought to be drawn by the learned Counsel for the Respondent stating that the provisions of the RTI Act would be applicable to cases where the Government Officers are appointed to function as Special Officers of the society, when there is no elected Board of Directors, could hardly make any difference in the light of the recent pronouncement of the Hon'ble Supreme Court. The learned Counsel appearing for the Appellants submitted that for all the societies, elections were conducted and the societies are managed by the elected members."

5.In the light of the above decision, the impugned order is set aside and the Writ Petition is allowed. No Costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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Copy to:

1.The Textile Control Officer/  
Public Information Officer  
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No.426, Bhavani Main Road, Ashokapuram,  
Erode.

2.The Special Officer,  
Chennimalai Kongu Weaver's Coop. Production  
and Sale Society Ltd., No.E.H.113,  
Chennimalai, Erode District.

+1cc to Mr. C.Prabakaran, Advocate SR.No.73722  
+1cc to Mr. L.P.Shanmugasundaram, Advocate SR.No.73834  
+1cc to Government Pleader SR.No.73793

W.P.No.2125 of 2013  
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TM(CO)  
GN(20/01/2017)