

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.2993 of 2017

R.Duraisamy

... Petitioner

vs.

1. The State Information Commission,
rep. By its State Information Commissioner,
No.2, Thyagaraya Nagar (near Alayamman Kovil),
Eldams Road Junction,
Teynampet, Chennai 600 018.
2. The Information Officer/Joint Director (Handlooms),
O/o.The Director Handlooms and Textiles Office,
Chennai 600 108.
3. The Assistant Director/Appellate Officer,
Handloom and Textiles,
O/o. The Assistant Director Office,
Erode.
4. K.903, The Vijayamangalam Weaver's Co-operative
Production & Sale Society Ltd.,
rep. By Managing Director/Public Information Officer,
Vijayamangalam, Erode District - 638 056.
5. A.A.25, The Vijayamangalam Industrial cum
Primary Handloom Weaver's Co-operative
Production & Sale Society Ltd.,
rep. By Managing Director/Public Information Officer,
Vijayamangalam - 638 056.
6. K.849, Thingalur Handloom Weavers Co-operative
Production & Sale Society Ltd.,
rep. By Managing Director/Public Information Officer,
Karuppannamudaliyur Nilayam,
Thingalur - 638 055.
7. E.H.37, The Kanjиковил Jeeva Weaver's Co-op Production &
Sale Society Ltd.,
rep. By Managing Director/Public Information Officer,
Kanjиковил,
Erode District - 638 116.

8. A.A.94, The Kanjиковil Weaver's Co-op Production & Sale Society Ltd.,
rep. By Managing Director/Public Information Officer,
Kanjиковil,
Erode District - 638 116.
9. A.A.124, The Kalliamputur Weaver's Co-op
Production & Sale Society Ltd.,
rep. By Managing Director/Public Information Officer,
No. Kalliamputur, Vijayamangalam,
(via) Erode - 638 056.
10. C.H.11, Kanji Anna Handloom Weaver's Co-op
Production & Sale Ltd.,
rep. By Managing Director/Public Information Officer,
Kanjиковil, Erode District - 638 116.
11. A.A.130, Pethampalayam Handloom Weaver's Co-operative
Production & Sale Society Ltd.,
rep. By Managing Director/Public Information Officer,
Pethampalayam, Kanchikovil (via),
Erode District - 638 116. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records relating to the order dated 18.10.2016 made in S.A.No.183/E/2016 passed by the 1st respondent in confirming the order dated 14.12.2015 made in Na.Ka.No.40246/2015/H2 passed by the 2nd respondent and the order dated 08.08.2015 made in MA.MU.MA.10974/2015/G passed by the 3rd respondent and quash the same and consequently direct the respondents to furnish the operational Data Base in respect of the respondents 4 to 11.

For Petitioner : Mr.Pitty Parthasarathy

For Respondents 1 to 3 : Mr.S.V.Durai Solaimalai
Additional Government Pleader

For Respondents 4 to 11 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the order dated 18.10.2016 made in S.A.No.183/E/2016 passed by the 1st respondent in confirming the order dated 14.12.2015 made in Na.Ka.No.40246/2015/H2 passed by the 2nd respondent and the order dated 08.08.2015 made in

MA.MU.MA.10974/2015/G passed by the 3rd respondent and for a consequential direction to the respondents to furnish the operational Database in respect of respondents 4 to 11.

2. According to the petitioner, respondents 4 to 11, vide their orders, dated 13.07.2015, 13.07.2015, 13.07.2015, 15.07.2015, 20.07.2015, 22.07.2015, 22.07.2015 and 25.07.2015, respectively, issued a communication stating that the information cannot be furnished to the petitioner under the Right to Information Act, since the respondents 4 to 11 are Co-operative Societies. Hence, the petitioner made an appeal on 27.07.2015 to the 3rd respondent and by a communication dated 08.08.2015, the 3rd respondent directed the petitioner to approach the appropriate forum. Thereafter, the petitioner made a representation to the 2nd respondent on 26.11.2015 seeking to furnish the information and the 2nd respondent, through his proceedings dated 14.12.2015, denied to furnish the information. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent in S.A.No.183 of 2016 and by an order dated 18.10.2016, the 1st respondent rejected his appeal. Now, having no other alternative remedy, the petitioner is before this Court, challenging the impugned orders.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. On a perusal of the impugned order, it is clear that Co-operative Societies do not come under the purview of the Right to Information Act, as has been categorically held by the Hon'ble Supreme Court in a number of decisions. Hence, this Court finds no reason to interfere with the reasoned order passed by the 1st respondent.

5. Accordingly, this Writ Petition stands dismissed, however, with liberty to the petitioner to proceed in the manner known to law. No costs. Consequently, connected W.M.P.Nos.2871 and 2872 of 2017 are closed.

sd/

Assistant Registrar

/true copy/

Sub Assistant Registrar

aeb

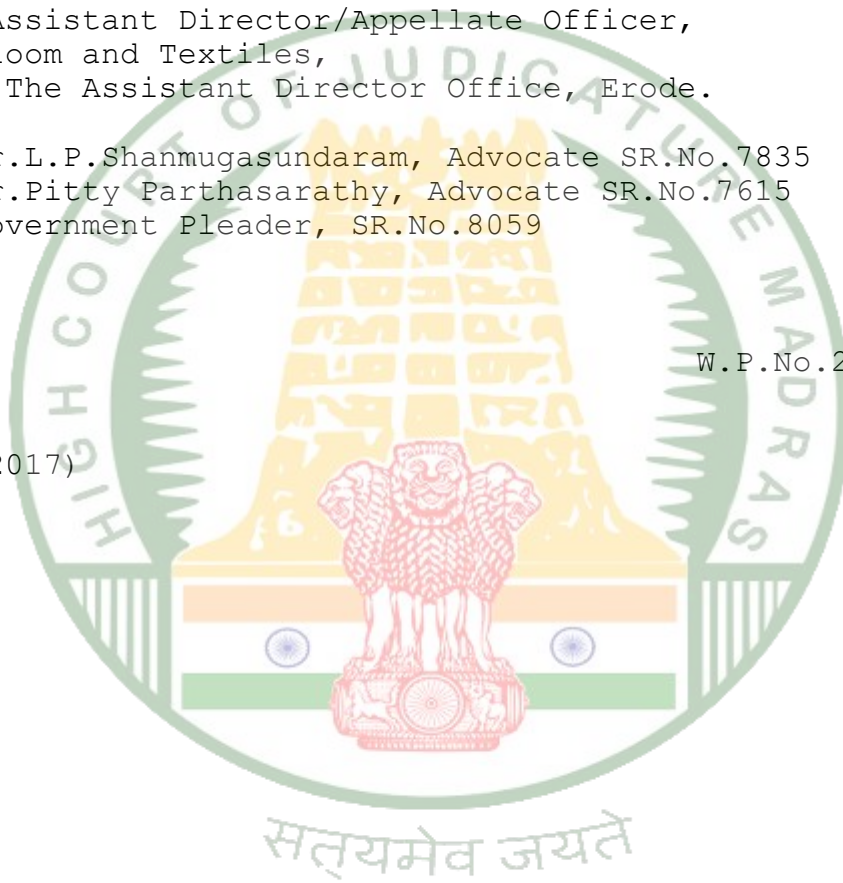
To:

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O/o.The Director Handlooms and Textiles Office,
Chennai 600 108.
3. The Assistant Director/Appellate Officer,
Handloom and Textiles,
O/o. The Assistant Director Office, Erode.

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.7835
+1cc to Mr.Pitty Parthasarathy, Advocate SR.No.7615
+1cc to Government Pleader, SR.No.8059

W.P.No.2993 of 2017

GMI (CO)
GN (28/02/2017)



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