

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.8152 of 2015
and
M.P.Nos.1 & 2 of 2015

S.L.Spl.32, Sengapalli Lift irrigation
Co-operative Society Limited,
rep by its Secretary,
Palapatti Post,
Paramathi Velur Taluk,
Namakkal District.

.. Petitioner

Vs.

1. The Registrar of Co-operative Societies,
No.170, N.V.N Maligai,
Kilpauk, Chennai - 10.
2. The Additional Registrar of
Co-operative Societies (ICDP),
No.170, N.V.N Maligai,
Kilpauk, Chennai - 10.
3. The Deputy Registrar of
Co-operative Societies,
Thiruchengode Circle,
Tiruchengode,
Namakkal District.

4. S.M.Arangasamy,

.. Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF CERTIORARI calling for the records of the 1st respondent in Rc.No.149476/2005 AR. dated 25.11.2005, consequential revised orders passed by the 2nd respondent in Rc.No.66860/2013AR1, dated 06.09.2013, Rc.No.66860/2013AR1, dated 23.10.2013, the revised order passed by the 3rd respondent Na.Ka.No.2631/2013 Pa.Tho dated 12.11.2013 and the subsequent letter issued by the 3rd respondent in Na.Ka.858/2015 Pa.Tho(2) dated 05.03.2015 directing to send copies required by the 4th respondent quash them holding that the petitioner co-operative

society registered under the Tamilnadu Co-operative Societies Act will not fall within the definition of "public authority" as defined under section 2(h) of the RTI Act.

For petitioner : Mr.M.S.Palaniswamy

For R 1 to R 3 : Mrs.T.Girija,
Government Adocate.

For R4 : No apperance

ORDER:

According to the petitioner, Cooperative Societies are not owned by the State Government stating that the definition of public authority under Section 2(h) of the RTI Act is exhaustive and co-operative societies will not fall under the categories mentioned in the said provision. Therefore, the information sought for by the fourth respondent will not be come under purview of Right to Information Act. Hence, the Writ petitioner has challenged the circular passed by the 1st respondent in Rc.No.149476/2005 AR. dated 25.11.2005, consequential revised orders passed by the 2nd respondent in Rc.No.66860/2013AR1, dated 06.09.2013, Rc.No.66860/2013AR1, dated 23.10.2013, and the revised order passed by the 3rd respondent Na.Ka.No.2631/2013 Pa.Tho dated 12.11.2013 and the subsequent letter issued by the 3rd respondent in Na.Ka.858/2015 Pa.Tho(2) dated 05.03.2015 directing to send copies required by the 4th respondent.

2. Heard the learned counsels appearing for both sides and perused the materials on record.

3. Taking into account, the definition of public authority given under Section 2(h) of the RTI Act which points out that the co-operative societies will not fall under the categories mentioned in the said provision and also as decided by the Hon'ble Supreme Court in the case of Thalappalam Ser. Coop. Bank Vs. State of Kerala, reported in 2013 (6) CTC 98 (SC) and the decision of which has also been followed by this Hon'ble High Court in W.A.Nos.2425 to 2428 and 2500 of 2013 reported in 2015 (4) CTC 105, this court is inclined to quash the impugned

order passed by the second and third respondent only and accordingly, the Writ Petition is allowed insofar as impugned order passed by the second and third respondent. Connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of
Co-operative Societies,
No.170, N.V.N Maligai,
Kilpauk,
Chennai - 10.
2. The Additional Registrar of
Co-operative Societies (ICDP),
No.170, N.V.N Maligai,
Kilpauk,
Chennai - 10.
3. The Deputy Registrar of
Co-operative Societies,
Thiruchengode Circle,
Tiruchengode,
Namakkal District.

+1cc to Mr.M.S.Palaniswamy, Advocate, S.R.No.40877
+1cc to the Government Pleader, S.R.No.40641

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LRS (CO)
CS/24/07/17