

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-12-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26454 of 2010

B.Anand Saraf

.. Petitioner

-vs-

1.The Registrar of Co-operative Societies,
(Housing), No.79, 4th Main Road,
Gandhi Nagar,
Adayar,
Chennai-20.

2.The Public Information Officer/
The Deputy Registrar of Co-operative Societies,
(Housing), Appellate Authority,
(Under the Right to Information Act),
Chennai Zone,
T.Nagar, Chennai-17.

3.The Special Officer/The Public Information Officer,
(Under the Right to Information Act),
Madras City Co-operative Building Society Ltd.,
No.101, Vellala Street,
Chennai-104.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to furnish the information as requested in the petitioner's application dated 3.7.2010 by implementing the order of the second respondent in his letter Na.Ka.No.1374/2010/C dated 19.8.2010.

For Petitioner - Mr.A.Ilaya Perumal

For Respondents 1&2-Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op.).

For Respondent-3 -Mr.A.Arumugam

ORDER

The relief sought for in this writ petition is for a direction to direct the third respondent to to furnish the information as requested in the petitioner's application dated 3.7.2010 by implementing the order of the second respondent in his letter dated 19.8.2010.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner filed an application, seeking certain information from the third respondent Co-operative Society under the provisions of the Right to Information Act. However, the writ petitioner has not received any reply in this regard from the third respondent. Thus, the writ petitioner is constrained to move this writ petition under Article 226 of the Constitution of India.

3. The learned counsel, appearing on behalf of the third respondent, states that the writ petition itself is not maintainable in view of the fact that the third respondent is a Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act and therefore no writ can be entertained.

4. This Court is of the opinion that certainly the third respondent, which is a Co-operative Society registered under the Tamil Nadu Co-operative Societies Act, is not a State within the meaning of Article 12 of the Constitution of India, no writ can be entertained against a Co-operative Society in view of the legal principles settled by the larger Bench of this Honourable Court, in the case of K.Marappan vs. Deputy Registrar of Co-Operative Societies, Namakkal Circle, Namakkal [(2006) 4 CTC 689 (FB)].

5. This apart, the grievances of the writ petitioner is that the application submitted under the Right to Information Act, has not been responded by the Public Information Officer. Even under the said Act, there is a provision to approach the Commission for redressing the grievance. When an effective alternative remedy is available under the provisions of the Right to Information Act, then on that grounds also the writ petition on hand, cannot entertain.

6. Such being the legal principles adopted, the writ petition is liable to be rejected. Accordingly, the writ petition stands dismissed both on the ground of maintainability as well as on the ground that an alternative remedy is available under the provisions of the Right to Information Act. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Registrar of Co-operative Societies,
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Chennai-104.

+ 1 cc to MR. A. Arumugam, Advocate sR.85498

+ 1 cc to Mr. A. Ilayaperumal, Advocate SR.86040

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SV(CO)
EU(20/12/2017)



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