

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-2700-2016 (O&M).
Decided on: February 8, 2017.

The Chak Fateh Singh Wala Multipurpose Agriculture Service Society Ltd.

.. Petitioner(s)

VERSUS

The Deputy Registrar Cooperative Societies & ors.

.. Respondent(s)

* * *

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

* * *

PRESENT Mr.Vishal Sharma-II, Advocate,
for the petitioner.

Ms.Anu Pal, AAG., Punjab.

Mr.M.S.Uppal, Advocate,
for respondent no.4.

M.M.S. BEDI, J. (ORAL)

Counsel for the petitioner has referred to the judgment of Hon'ble the Apex Court in Thalappalam Service Cooperative Bank Limited and others Vs. State of Kerala and others, (2013) 16 Supreme Court Cases 82, wherein it has been held that a citizen can have access to any information pertaining to the Cooperative Societies through Registrar of Cooperative Societies, who is “public authority” within the meaning of Section 2 (h) of the Right to Information Act, 2005, to the extent permitted by law, meaning thereby that the information can be claimed relating to any Cooperative Society through the Registrar.

Counsel for the petitioner has further submitted that the Deputy Registrar, Cooperative Societies, Bathinda exercising powers under

Section 19 of the Right to Information Act, 2005, has dismissed the appeal

without considering the information sought in the light of Section 8 (1) (j) of the Right to Information Act, 2005,

It is held that the petitioner-Society will not fall within the definition of “public authority” under the Right to Information Act, 2005, but the information can be supplied by the Registrar subject to the provisions of Section 8 (1) (j) of the Right to Information Act, 2005.

The writ petition is disposed of so far as the challenge to the maintainability of the application under the Right to Information Act, 2005, is concerned but in view of the judgment in *Thalappalam Service Cooperative Bank Limited and others (supra)* it is ordered that the Registrar, Cooperative Societies concerned will consider the application of respondent no.4, in the light of provisions of Section 8 (1) (j) of the Right to Information Act, 2005 and pass a speaking order whether the information sought for by respondent no.4 is required to be supplied.

The decision regarding applicability of Section 8 (1) (j) of the Right to Information Act, 2005, will be considered within a period of one month after the receipt of certified copy of this order.

(M.M.S. BEDI)
JUDGE

February 8, 2017.

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Whether speaking / reasoned

Yes / No

Whether reportable:

Yes / No