

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.1143 of 2011

MP.No.2 of 2011

N.C.Palanisamy

...Petitioner

Vs

1.The Assistant Director of Handloom & Textiles
Department/ Public Information Officer, Erode

2.The Special Officer, Pallakkattupudur Weavers
Coop. Production and Sale Society Limited,
AA.128, Chennimalai, Erode

3.M.Chinnasamy

...Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 1st Respondent in his proceedings Na.Ka.16501/2010/G, dated 15.10.2010 and to quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.L.P.Shanmuga Sundaram-R2

ORDER

In this Writ Petition, the Petitioner has challenged the impugned order, dated 15.10.2010 passed by the 1st Respondent on the application filed by the 3rd Respondent under Section 6 of the Right to Information Act, in and by which, the 1st Respondent had directed the Special Officer, EA.131, Kalikkavalasu Primary Cum Industrial Weavers Coop. Production and Sale Society Limited, Chennimalai, Erode, to take necessary action under the provisions of the said Act.

2. This Court heard the learned counsel for the Petitioner and the 2nd Respondent.

3. The learned counsel for the Petitioner has submitted that the decision of this Court reported in 2015 4 CTC 105 (The Public Information Officer, The Ilayankudi Cooperative Urban Bank Limited Vs. The Registrar, the Tamil Nadu

Information Commission) is squarely applicable to the facts and circumstances of the case on hand.

4. In the said decision, this Court, relying upon the decision of the Honourable Supreme Court reported in 2013 (6) CTC 98 (SC), (Thalappalam Ser Coop. Bank Ltd. And others V. State of Kerala and others), had held in paragraph 9, as under:-

"9. In the light of the above, we have no hesitation to hold that the legal issue arising in these 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. The above said submissions of the learned counsel for the Petitioner are also not disputed by the Respondents.

6. In the light of the above, following the above said decisions of the Honourable Supreme Court as well as this Court, this Writ Petition is allowed, as prayed for. No costs. Consequently, the connected MP is closed.

Srcm

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

+1cc Mr.C.Prakasam,Advocate SR.NO.77548
+1cc Government Pleader SR.NO.78014

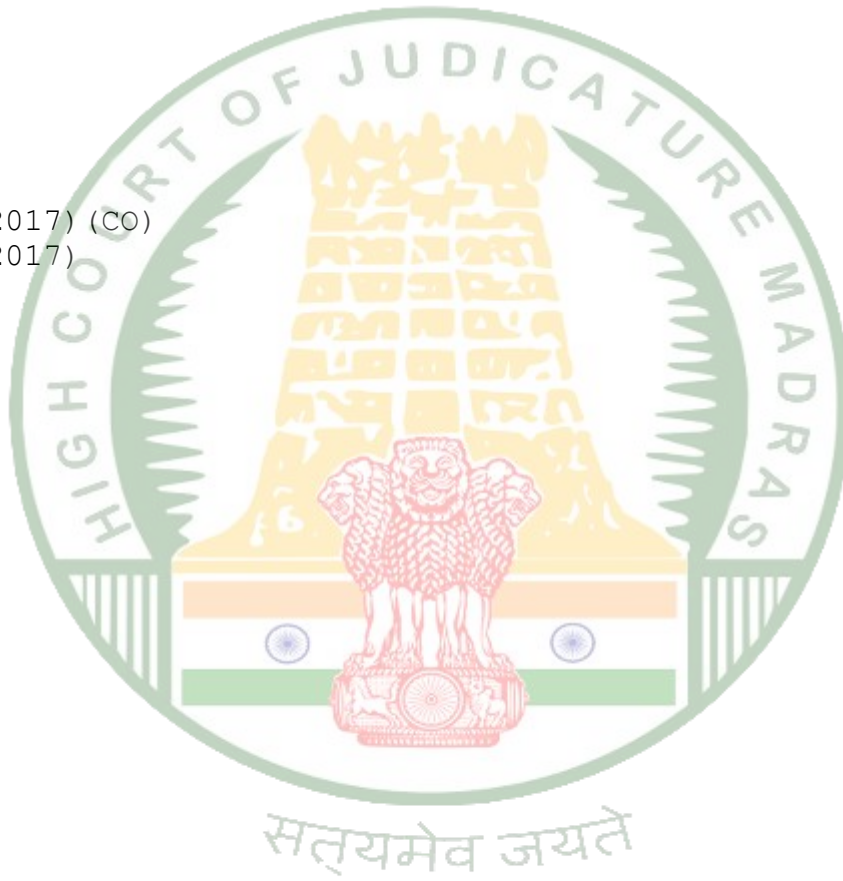
WP.No.1143 of 2011

DR(CS)
KAK (30/11/2018)

SM(27/11/2017) (CO)
SM(27/11/2017)

13.11.2018

` (CO)



WEB COPY