

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.21799 of 2012

and

M.P.Nos.1 to 2 of 2012

A.E. Krishnasamy ... Petitioner

Versus

1.The Textile Control Officer/Public Information Officer,
O/o. Assistant Director of Handloom & Textiles Office,
No.23, Bharathi Park, 2nd Cross Road,
Saibaba Colony,
Coimbatore - 11.

2.The Special Officer,
C.H. 119, Alangombu Cotton cum Silk
Handloom Weavers Coop. Production and Sales Society Limited.,
Alangombu Post,
Sirumugai Via
Mettupalayam Taluk,
Coimbatore District.

3.K.S.Babu ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorari, calling for the
entire records relating to the impugned order passed by the 1st
respondent in his proceedings Na.Ka. 546/2012/C, dated
20.07.2012 and quash the same.

For Petitioner : Mr.C.Prakasam

For R1 : Mr.R.Balaramesh
Special Government Pleader

For RR 2 & 3 : Mr. M.N.Balakrishnan

ORDER

This Writ Petition is filed to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka. 546/2012/C, dated 20.07.2012 and quash the same.

2. Heard both sides.

3. The petition is a member of the second respondent Society, the Special Officer, C.H. 119, Alangombu Cotton cum Silk, Handloom Weavers Coop. Production and Sales Society Limited., Alangombu Post, Sirumugai Via, Mettupalayam Taluk, Coimbatore District. His membership number is 59. He is a weaver.

4. It is stated that the third respondent had sought particulars regrading the second respondent Society calling for details relating to the loan account particulars of the members and bonus account particulars. The first respondent had directed the second respondent to furnish the said details to the third respondent by proceedings in Na.Ka. 546/2012/C, dated 20.07.2012. Challenging the said order, the Writ Petition has been filed.

5. The attention of the Court has been drawn to the decision of a Division Bench of this Court reported in 2015 (4) CTC 105 [The Public Information Officer Vs. The Registrar, Tamil Nadu Information Commission] wherein the First Bench of this Court had examined the issue as to whether the Co-operative Society under the Tamil Nadu Co-operative Society Act, 1983 is a public authority under the meaning of Section 2(h) of the Right to Information Act. The First Bench referred to the judgment of the Supreme Court reported in 2013 (6) CTC 98 (SC) (Thalappalam Ser. Coop. Bank Ltd. and others Vs. State of Kerala and others) wherein, the Hon'ble Supreme Court held that a clear distinction can be drawn between a body which is created by a statute and a body much after having come into existence, is governed in accordance with the provisions of a statute. Societies which were the subject matter of the appeals, were held to fall under the latter category, i.e. governed by the Kerala Societies Act. They are not statutory bodies, but only body corporates with the meaning of Section 9 of the Kerala Cooperative Societies Act. It was therefore held that the Right to Information Act would not be applicable to the Co-operative Societies. The ratio laid down applies to this case also. The 2nd respondent is a Co-operative Society and it would not come under the purview of the Right to Information Act. I have therefore no hesitation in granting the relief sought for in the present Writ Petition.

6. Consequently, while quashing the proceedings in Na.Ka. 546/2012/C, dated 20.07.2012 of the first respondent, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vsg

To

1.The Textile Control Officer/Public Information Officer,
O/o. Assistant Director of Handloom & Textiles Office,
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2.The Special Officer,
C.H. 119, Alangombu Cotton cum Silk
Handloom Weavers Coop. Production and Sales Society Limited.,
Alangombu Post,
Sirumugai Via
Mettupalayam Taluk, Coimbatore District.

+1 cc to Mr.C.Prakasam, Advocate Sr.No.79681
+1 cc to Mr.R.Balaramesh, Advocate Sr.No.79871

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CSL/10.12.2018

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