

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2018

CORAM
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.29368 of 2012
and
M.P.Nos.1 to 2 of 2012

V.Anandhan

..Petitioner

Versus

- 1.The Textile Control Officer/Public Information Officer,
O/o.Assistant Director of Handloom & Textiles,
No.426, Bhavani Main Road, Ashokapuram,
Erode.
- 2.The Special Officer,
Chennimalai Siragiri Murugan Weaver's Coop.Production and
Sale Society Ltd,No.C.H.2,
Post Box No.50, Chennimalai-638 051
Erode District.

3.K.Murugesan ... 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 R.T.I.Act 65/2012/G, dated
09.10.2012 and quash the same.

For Petitioner	::	Mr.C.Prakasam
For R1	::	M/s.T.Girija
For R2	::	Mr.L.P.Shanmugasundaram

सत्यमेव जयते
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 R.T.I.Act 65/2012/G, dated 09.10.2012 and quash
the same.

2. Heard both sides.

3. The case of the petitioner is that he was working as a
Manager of the second respondent Society namely the Special
Officer, Chennimalai Siragiri Murugan Weaver's Coop.Production
and Sale Society Ltd, No.C.H.2, Post Box No.50, Chennimalai,
Erode District.

4. It is stated that the third respondent had preferred an application under the Right to Information Act before the first respondent. The first respondent had given certain direction in their proceedings dated 09.10.2012 directing the second respondent to address the queries raised. The queries related to the monthly salary of the petitioner and the property details of the petitioner. Information was also sought relating to the wife and daughter of the petitioner. Challenging the same, this 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 65/2012/G, dated 09.10.2012 of the first respondent, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvi

To

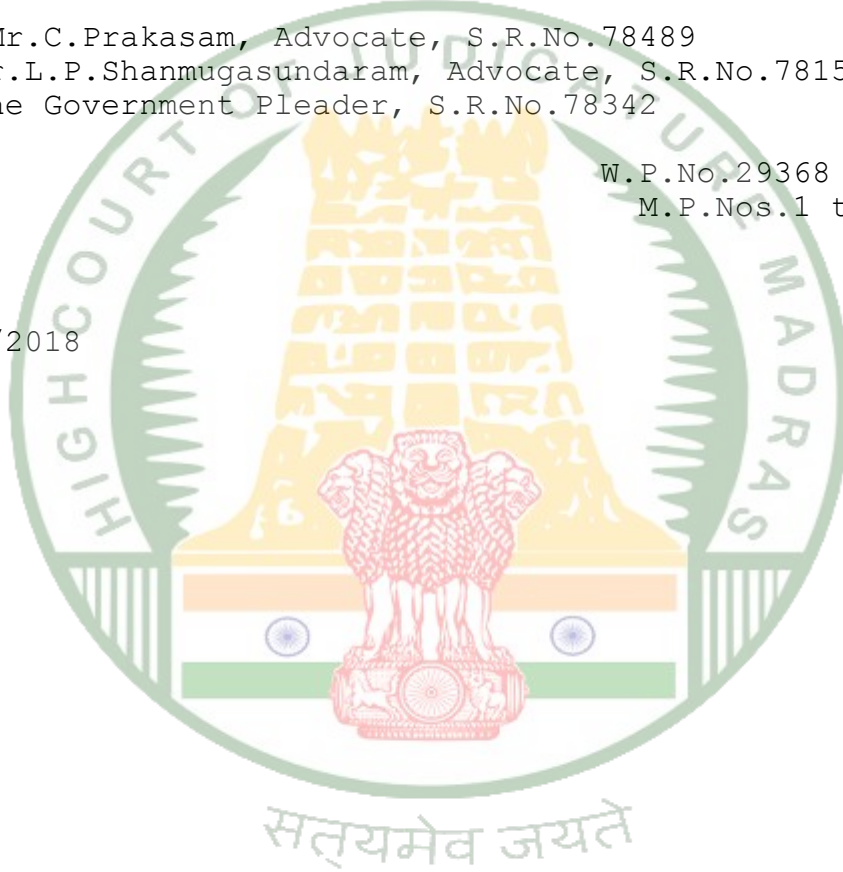
- 1.The Textile Control Officer/Public Information Officer,
O/o.Assistant Director of Handloom & Textiles,
No.426, Bhavani Main Road, Ashokapuram,
Erode.
- 2.The Special Officer,
Chennimalai Siragiri Murugan Weaver's Coop.Production and
Sale Society Ltd,No.C.H.2,
Post Box No.50, Chennimalai-638 051
Erode District.

+2ccs to Mr.C.Prakasam, Advocate, S.R.No.78489
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.78151
+1cc to the Government Pleader, S.R.No.78342

W.P.No.29368 of 2012 and
M.P.Nos.1 to 2 of 2012

NMI (CO)

rrs 06/12/2018



WEB COPY