

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.5973 of 2011

and

M.P.No.2 of 2011

K.R.Senthilkumar

... Petitioner

Vs.

1.The Assistant Director of Handloom and Textiles
Department/Public Information Officer,
No.426, Bhavani Main Road, Ashokapuram,
O/o.Assistant Director of Handloom
and Textiles, Erode.

2.The Special Officer,
Sri Selvavinayaga Weavers Cooperative Production
and sale Society Ltd,
E.H.160 Chennimalai,
Erode District.

3.P.Vijayakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a writ of certiorari,
calling for the entire records relating to the impugned order
passed by the 1st respondent in his proceedings
Na.Ka.2480/2011/G, dated 17.02.2011 and quash the same.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.L.P.Shanmugasundaram
Special Government Pleader for R1 and R2

:R3 - No appearance

O R D E R

The petitioner has filed the present writ petition to call
for records relating to the impugned order passed by the 1st
respondent in his proceedings Na.Ka.2480/2011/G, dated
17.02.2011 and quash the same.

2. Although notice has been served on the third respondent and his name is also printed in the cause list, no appearance on behalf of the third respondent.

3. When the matter is taken up for hearing, the learned counsel for the petitioner and also the learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the Co-operative Societies are not amendable within the jurisdiction of the Right to Information Act as held by this Court in a decision reported in 2015 (4) CTC 105. The Division Bench of this Court, on the basis of law laid down by the Hon'ble Supreme Court of India, has held in paragraph No.9 as follows:

"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."

4. In view of the above, the learned counsel for the petitioner would submit that the impugned order passed by the first respondent seeking for information as sought by the third respondent, is unsustainable in law.

5. In view of the ruling of the Division Bench which is based on the ruling of the Hon'ble Supreme Court of India, this Court is unable to appreciate as to how the writ petition is maintainable. In view of the same, the writ petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsk

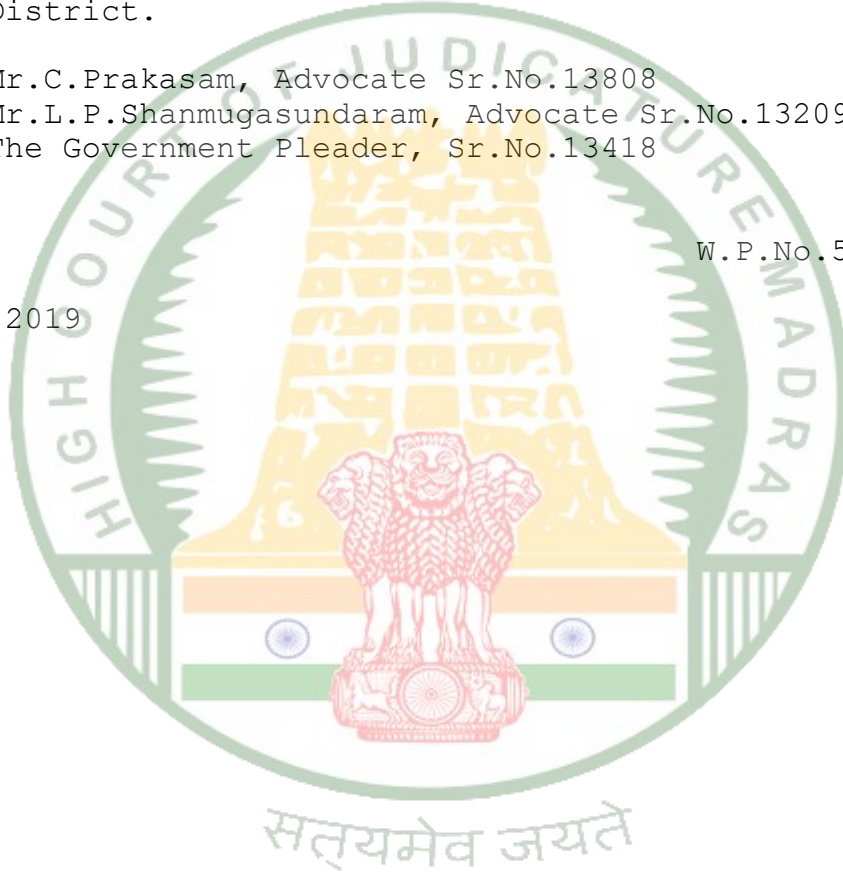
To

- 1.The Assistant Director of Handloom and Textiles,
Department/Public Information Officer,
No.426, Bhavani Main Road, Ashokapuram,
O/o.Assistant Director of Handloom
and Textiles, Erode.
- 2.The Special Officer,
Sri Selvavinayaga Weavers Cooperative Production
and sale Society Ltd,
E.H.160 Chennimalai,
Erode District.

+1 cc to Mr.C.Prakasam, Advocate Sr.No.13808
+1 cc to Mr.L.P.Shanmugasundaram, Advocate Sr.No.13209
+1 cc to The Government Pleader, Sr.No.13418

W.P.No.5973 of 2011

NRL(CO)
CSL/11.03.2019



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