

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.34832 of 2012

and

MP No.2 of 2012

N.Govindasamy

...

Petitioner

Vs

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,
Kalikkavalasu Primary Cum Industrial
Weaver's Co.op Production and
Sale Society Ltd.,
No.E.H. 131, Murungatholuvu Post,
Chennimalai - 638 051,
Erode District.

3. S.P. Vasudevan Respondents
Editor, Neethiyai Theadi - Magazine.

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records relating to the impugned order passed by the first respondent in his proceedings R.T.I. Act.78/2012/G, dated 05.12.2012 and quash the same.

For petitioner : Mr.C.Prakasam
For respondents : Mr.L.P.Shanmuga Sundaram
Special Govt. Pleader for R1
No appearance for RR2 & R3

ORDER

This writ petition has been filed to quash the Proceedings in No.R.T.I. Act.78/2012/G, dated 05.12.2012 passed by the first respondent.

2.It is the case of the petitioner that he was the founder of the second respondent Co-operative Society. He submits that he is doing weaving business. According to him, as per the Co-operative Acts and Rules, the second respondent should not disclose its business secrets. But it is his case, that now the third respondent has requested the second respondent to furnish certain particulars i.e.,business secrets namely members, bonus particulars, which are not related to public interest. It is the case of the petitioner that the third respondent has also given a representation to the first respondent on 03.12.2012 seeking for the aforesaid information. According to the petitioner, the particulars sought for by the third respondent are purely personal in nature and there is no public information involved. It is his case that under Section 8(D) and 8(J) of the Right to Information Act, personal information cannot be disclosed. Whiles, the first respondent issued directions to the second respondent to furnish the particulars sought for by the third respondent vide Proceedings in R.T.I. Act.78/2012/G, dated 05.12.2012. In such circumstances, this writ petition has been filed

3.Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the first respondent. Despite service of notice on the second and third respondents and their names having been printed in the cause list today, there is no representation on their side.

4.The learned Special Government Pleader appearing for the first respondent drew the attention of this Court to the decision of the Hon'ble Supreme Court in the case of Thalappalam Ser. Co.op Bank Ltd. and ors. versus State of Kerala and Ors. reported in Manu/SC/1020/2013. Referring to the said judgment, the learned Special Government Pleader would submit that a Co-operative Society is not a public authority and hence the Hon'ble Supreme Court held that a Cooperative Society is not amenable to the Right to Information Act.

5.This Court also perused the aforesaid decision of the Hon'ble Supreme Court. The Hon'ble the Supreme Court has held that a Cooperative Society is not a public authority and hence, it is not amenable to the Right to information Act. Admittedly, the second respondent is a cooperative society and hence, the third respondent is not entitled to seek information from the first respondent regarding the business secrets of the second respondent cooperative society.

6.In view of the settled position of law as laid down by the Hon'ble Supreme Court, the prayer sought for in this writ petition will have to be allowed and the Proceedings issued by

the first respondent in R.T.I. Act.78/2012/G, dated 05.12.2012 will have to be quashed. Accordingly, the Proceedings issued by the first respondent in R.T.I. Act.78/2012/G, dated 05.12.2012 is hereby quashed as the information sought for by the third respondent vide his representation dated 03.12.2012 cannot be granted as the second respondent is a cooperative society.

7.In the result, the impugned order passed by the first respondent in its proceedings RTI Act 78/2012/G dated 05.12.2012 is hereby quashed and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

vsi2

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,
Kalikkavalasu Primary Cum Industrial
Weaver's Co.op Production and
Sale Society Ltd.,
No.E.H. 131,
Murungatholuvu Post,
Chennimalai - 638 051,
Erode District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 106424
+1cc to the Special Government Pleader(CO-OP), S.R.No. 106201

W.P. No.34832 of 2012

EV(CO)
GN(03/02/2020)