IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4282 of 2012
and
MP No.1 of 2012

A.P.Subramaniyam ... Petitioner

Vs

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

2. The Special Officer,
Chennimalai Kongu Weavers Co.op. Production
and Sale Society Ltd.
No.E.H.113, No.36-A,
Arunagirinathar Street,
Chennimalai - 638 051.
Erode District.

3. K.N.Kittusamy .... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 not to entertain the third respondent written representation dated 30.01.2012 made under Right to Information Act by way of furnishing details of the petitioner's personal information to the third respondent.

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For petitioner : Mr.C.Prakasam

For respondents : Mr.L.P. Shanmuga Sundaram
Spl. Govt. Pleader for R1 and R2
(Co-op.)
R3- Served - No appearance

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ORDER

This writ petition has been filed seeking for a Mandamus to direct the respondents 1 and 2 not to entertain the representation dated 30.01.2012 of the third respondent made under Right to Information Act by way of furnishing details of the petitioner's personal information to the third respondent.

2. It is the case of the petitioner that he was working as Manager in the second respondent / Co-operative Society. It is his case that in his personal capacity, he borrowed amount from the third respondent, before ten years to meet out his personal expenses, which was repaid by him to the third respondent in the year 2002 itself. According to him, thereafter there is no relationship whatsoever with the third respondent. But it is his case that now the third respondent has requested the respondents 1 and 2 to furnish details of cheque allegedly issued by the petitioner on 24.06.2002 under Right to Information Act. It is the case of the petitioner that the third respondent has also given a representation to the respondents 1 and 2 on 30.01.2012 seeking for the aforesaid information from them. According to the petitioner, the particulars sought for by the third respondent are purely personal and there is no public information is involved. It is his case that under Section 8(D) and 8(J) of the Right to Information Act, personal information cannot be disclosed. It is also his case that the respondents 1 and 2 are taking steps to furnish the details sought for by the third respondent in his representation dated 30.01.2012. In such circumstances, this writ petition has been filed seeking for a Mandamus to the respondents 1 and 2 not to entertain the request of the third respondent seeking for details regarding the cheque allegedly issued by the petitioner on 24.06.2002.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mrs.L.P.Shanmugasundaram, learned Special Government Pleader appearing for respondents 1 and 2. Despite service of notice on the third respondent and his name having been printed in the cause list today, there is no appearance on his side.

4. The learned Special Government Pleader appearing for respondents 1 and 2 drew the attention of this Court to the decision of Hon'ble Supreme Court in the case of Thalappalam Ser. Co.op Bank Ltd. and ors. versus State of Kerala and Ors. 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 as per the aforesaid decision of the Hon'ble Supreme Court and it is not amenable to the Right to Information Act. Hence, the respondents 1 and 2 cannot furnish the details sought for by the third respondent, vide his

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letter dated 30.01.2012.

5. This Court also perused the aforesaid decision of the Hon'ble Supreme Court. As held by the Hon'ble the Supreme Court, a Co-operative Society is not a public authority and hence, it is not amenable to the Right to information Act.

6. In view of the same, the prayer sought for in the writ petition will have to be granted. Accordingly, this Court directs the respondents 1 and 2 not to entertain the representation of the third respondent dated 30.01.2012 made under Right to Information Act, by way of furnishing information of the petitioner's personal information to the third respondent.

7. In the result, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

vsi2

To

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

2. The Special Officer,
Chennimalai Kongu Weavers Co.op. Production
and Sale Society Ltd.
No.E.H.113, No.36-A,
Arunagirinathar Street,
Chennimalai - 638 051.
Erode District.

+1cc to the Special Government Pleader, S.R.No. 106202

W.P. No.4282 of 2012

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

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