



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14689 of 2019

P.Veerachamy

... Petitioner

-Vs-

- 1.The Chief Information Commissioner,
State Information Commission,
Thenampet, Chennai - 18.
 - 2.The District Information Officer,
District Collectorate, Pudukkottai.
 - 3.The Information Officer/Special Officer,
Pudukottai District Central Co-operative
Bank Limited,
Pudukkottai, Pudukottai District.
 - 4.The Information Officer/Branch Manager,
Pudukottai District Central Co-operative
Bank Limited,
Gandharvakottai, Pudukkottai District.
 - 5.The Secretary,
T-1658, Thachankurichi Primary Agricultural
Co-operative Credit Society,
Thachankuruchi,
Gandharvakottai, Pudukkottai District.
- ... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to dispose of the petitioner's Second Appeal No.16334/2019 dated 29.05.2019 pending before them within the stipulated time limit as fixed by this Court.

For Petitioner : Mr.A.Prasanna Rajadurai for
Mr.S.Muthalraj
For Respondents : Mr.K.K.Senthil, for R1
M.Rajarajan, G.A. For RR2 and 5



Mr.D.Shanmugaraja Sethupathi,
for RR3 and 4

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's Second Appeal No.16334/2019 dated 29.05.2019 pending before them within the stipulated time limit as fixed by this Court.

2.Heard Mr.A.Prasanna Rajadurai, learned counsel appearing for the petitioner and Mr.K.K.Senthil, learned standing counsel appearing for the 1st respondent, M.Rajarajan, learned Government Advocate appearing for the respondents 2 and 5 and also Mr.D.Shanmugaraja Sethupathi, learned standing counsel appearing for the respondents 3 and 4.

3.Though such an innocuous prayer has been sought for by the writ petitioner, the learned counsel appearing for the respondents, in one voice, submitted that, there is no time limit prescribed for the 1st respondent Information Commission to decide the appeal and in time, the learned counsel appearing for the 1st respondent has contended that, since number of appeals are pending before the 1st respondent, that would be disposed of chronologically and therefore, a fixed time limit may not be fixed for the 1st respondent Commission to dispose of the petitioner's appeal.

4.However, the learned counsel appearing for the respondents 3 and 4 would submit that, the Right to Information Act may not be applicable to Co-operative Societies and therefore the very appeal filed by the petitioner can be rejected in limini by the 1st respondent Commission.

5.I have heard the said submissions made by the learned counsel on both sides.

6.With regard to the maintainability and other aspects of the appeal filed by the petitioner before the 1st respondent Commission, it is for the said Commission to take a decision. The only grievance of the petitioner since is to decide the appeal within a time frame to be fixed by this Court, with the consent of both the parties, this Court is inclined to dispose of this writ petition, at the admission stage itself, with the following direction:

"Instead of fixing a rigid time frame to the 1st respondent to decide the appeal in view of the work pressure at the 1st respondent Commissioner, this Court gives direction to the 1st respondent to decide the said appeal of the petitioner dated 29.05.2019, on merits and in accordance with law, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order."



7. With this direction, this writ petition is disposed of. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (Records)

Sub Assistant Registrar (CS)

To

1. The Chief Information Commissioner,
State Information Commission,
Thenampet, Chennai - 18.

2. The District Information Officer,
District Collectorate, Pudukkottai.

3. The Information Officer/Special Officer,
Pudukkottai District Central Co-operative
Bank Limited,
Pudukkottai, Pudukkottai District.

4. The Information Officer/Branch Manager,
Pudukkottai District Central Co-operative
Bank Limited,
Gandharvakottai, Pudukkottai District.

+1 CC to M/s. NA. PALANIYANDI, Advocate (SR-72824[F] dated 02/07/2019)

+1 CC to M/s. D. SHANMUGARAJA SETHUPATHI, Advocate (SR-72943[F] dated 03/07/2019)

+1 CC to M/s. SPL GP (SR-73177[F] dated 03/07/2019)

+1 CC to M/s. K. K. SENTHIL, Advocate (SR-73144[F] dated 03/07/2019)

Order made in
W.P. (MD) No. 14689 of 2019
02.07.2019

ARUL

KK/SAR/17.07.2019/3P-9C

<https://hcservices.ecourts.gov.in/hcservices/>

—