

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5841 of 2017

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Ravi Rohit Son of Shivendra Bahadur Singh, resident of Moti Bhawan,
Opposite Gate No. 32/A, Rajapur Mainpura, P.S. S.K. Puri, District Patna.
... .. Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Department of Co-operative, Govt. of Bihar, Patna.
3. The Registrar, Department of Co-operative Societies, Patna.
4. The Chairman, Bihar State Multi State Land Development Bank Ltd., Budh Marg, Patna.
5. Managing Director cum Public Information Officer, Bihar State Multi State Land Development Bank Ltd., Budh Marg, Patna.
6. The State Information Commissioner, Suchana Bhawan, Bailey Road, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Vishwajeet Kumar Mishra, Adv.
For the Bank	:	Mr.Rajesh Prasad Choudhary, Adv.
For the State Information Commissioner	:	Mr. Lalit Kishore, Sr. Adv.
	:	Ms. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 13-02-2020 In this writ application, the petitioner has challenged an order dated 13.07.2016, contained in Memo No.4680, passed by the State Information Commissioner in Case No.113487/13-14(Satyam Kumar Singh), whereby and whereunder he has had held that the Bihar State Cooperative Land Development Bank, Patna is not a public authority within the meaning of Section 2(h) of the Right to Information Act, 2005 (hereinafter referred to as “the Act”) and, therefore, it is not amenable to the provisions of the Act.



The petitioner had sought certain information by making an application under Act, which was refused by the Co-operative Bank on the plea that it was not covered by the provisions under the Act. The petitioner's appeal has been rejected by the impugned order, affirming the view taken by the Cooperative Bank in the light of the Supreme Court's decision in the case of **"Thalappalam Service Cooperative Bank Limited & Ors Vs. State of Kerala and Ors."**

I have heard learned counsel appearing on behalf of the petitioner, learned counsel for the Cooperative Bank and learned counsel appearing on behalf of the State Information Commissioner.

The definition of public authority under Section 2(h) of the Act has been lucidly dealt with in the Supreme Court's decision in the case of *Thalappalam Service Cooperative Bank Limited (supra)*, wherein it has been held that the Cooperative Bank is not a public authority within the meaning of Section 2(h) of the Act. It has been argued on behalf of the Cooperative Bank that the Bank is neither financed by the Central Government nor the State Government at all. It has neither been constituted by or under the Constitution; nor by any other law made by Parliament; nor by any other law made by the State Legislature.

Learned counsel appearing on behalf of the petitioner



on the other hand has submitted that whereas there can be no dispute over the supreme court's pronouncement in the case of *Thalappalam Service Cooperative Bank Limited(supra)*, in the light of the observations made in paragraph 67 of the said Judgment, the petitioner may seek such information from the Registrar of the cooperative society.

I am not convinced on the said submission on behalf of the petitioner. The petitioner is at liberty to proceed in the manner, as may be advised. So far as the impugned decision is concerned, I do not find any infirmity, legal or otherwise.

Accordingly, this writ application is dismissed with the aforesaid observation.

(Chakradhari Sharan Singh, J.)

nawalkrs/-

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