

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2020

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.1630 of 2015

&

M.P.No.2 of 2015

I.I.670 Pavandhur Primary,
Agricultural Coop-Credit Society,
Rep. by its Secretary,
G.Krishnasamy,
Pavandhur Village & Post, Thirukoilur Taluk,
Villupuram District.

..Petitioner

Vs.

1.The Public Information Officer,
Deputy Registrar of Coop. Societies,
Tirukoilur Circke, Tirukoilur,
Villupuram District.

2.P.Krishnamoorthy

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.49/2015-Pa, dated 06.01.2015 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent 1 : Mr.R.Balaramesh

Additional Government Pleader

For Respondent 2 : Ms.R.Meenal

ORDER

This writ petition has been filed by I.I.670 Pavandhur Primary, Agricultural Coop-Credit Society, which is a registered co-operative society.

2. It is the case of the petitioner that the second respondent submitted an application to the first respondent under the Right to Information Act to furnish certain information with regard to the petitioner Cooperative Society. According to the petitioner, a Registered Cooperative Society will not come under the purview of the Right to Information Act and further, the information sought for by the second respondent

are purely personal in nature. Therefore, the impugned order in Na.Ka.49/2015-Pa dated 06.01.2015 passed by the first respondent directing the petitioner society to furnish the information sought for by the second respondent is not in accordance with law. In such circumstances, this writ petition has been filed.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.R.Balaramesh, learned Additional Government Pleader for the first respondent and Mrs.R.Meenal, learned counsel for the second respondent.

4. The learned Additional 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. vs. State of Kerala and Ors. reported in Manu/SC/1020/2013. Referring to the said Judgment, the learned Additional Government Pleader would submit that a Cooperative 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 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 petitioner is a cooperative society and hence, the second respondent is not entitled to seek information from the first respondent regarding the business secrets of the petitioner 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 Na.Ka.49/2015-Pa, dated 06.01.2015 will have to be quashed as the information sought for by the second respondent vide his representation cannot be granted as the petitioner is a cooperative society.

7. In the result, the impugned order passed by the first respondent in Na.Ka.49/2015-Pa, dated 06.01.2015 is hereby quashed and the writ petition is allowed No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Public Information Officer,
Deputy Registrar of Coop. Societies,
Tirukoilur Circke, Tirukoilur,
Villupuram District.

+1 CC to Mr.C.Prakasam, Advocate sr 5447

+1 CC to M/s.R. Meenal, Advocate sr 5599.

W.P.No.1630 of 2015

LN (CO)
SP (26/02/2020)



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