

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.19090 of 2013

G.Kalyana Raman

...Petitioner

Vs.

1.The Commissioner,
Tamil nadu Information Commission,
No.2, Thiagaraya Road,
Near Alayamman Koil,
Teynampet,
Chennai - 600 018.

2.The Appellate Authority/
Managing Director,
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Aavin Illam,
Madhavaram Milk Colony,
Chennai - 600 051.

3.The Public Information Officer,
Deputy General Manager (Admn.),
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Aavin Illam,
Madhavaram Milk Colony,
Chennai - 600 051.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the 1st respondent herein to consider the petitioner's Second Appeal No.17222/2013, dated 22.04.2013 and comply with the genuine requests made herein under Right to Information Act, 2005 within the specific period stipulated by this Court

For Petitioner : Mr.V.Ramana Reddy

For Respondents 1 & 2 : Ms.V.J.Latha
Standing Counsel

For Respondent 3 : Ms.T.Girija,
Additional Government Pleader

ORDER

This writ petition has been filed by an employee of the second respondent Tamil Nadu Co-operative Milk Producers Federation Limited which is a registered co-operative society

2. According to the petitioner, he has sought for information under Right to Information Act, 2005 from the third respondent. The third respondent has also sent a letter dated 26.10.2012 in Ref.No.Na.Ka.No.10314/P.I.O.R.T.I./2005. Aggrieved by the same, the petitioner preferred first appeal under Right to Information Act, 2005 before the second respondent on 27.11.2012 and the second respondent passed the final orders on 10.01.2013. Aggrieved by the final orders dated 10.01.2013 of the second respondent, the petitioner preferred a second appeal before the first respondent on 22.04.2013.

3. It is the case of the petitioner that despite filing of the second appeal, the first respondent has not passed any orders in the second appeal No.17222 of 2013 dated 22.04.2013. In such circumstances, this writ petition has been filed.

4. Heard Mr.V.Ramana Reddy, learned counsel for the petitioner, Ms.V.J.Latha, learned counsel for the respondents 1 & 2 and Ms.T.Girija, learned counsel for the respondent 3.

5. Admittedly, the information sought for by the petitioner under the Right to Information Act, 2005 is from a registered co-operative society. It is well settled law as laid down by 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 that the information cannot be sought from a registered co-operative society under the Right to Information Act, 2005, since a co-operative society is not a public authority. Since the case on hand requires information from a registered co-operative society, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner,
Tamil nadu Information Commission,
No.2, Thiyagaraya Road,
Near Alayamman Koil,

Teynampet,
Chennai - 600 018.

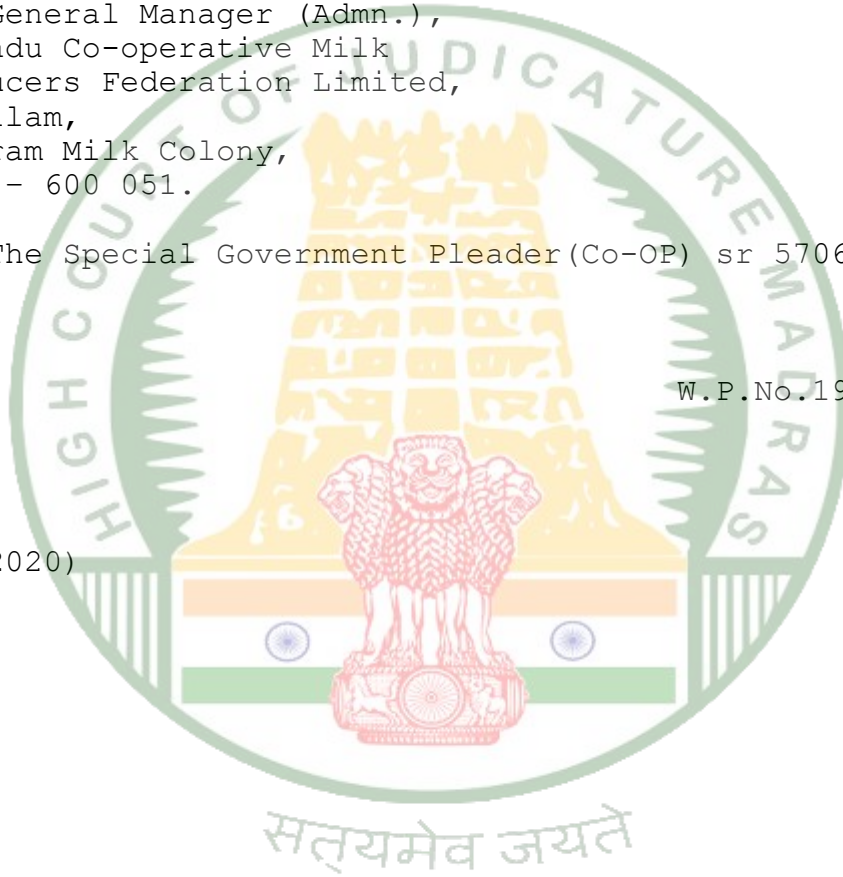
2.The Appellate Authority/
Managing Director,
Tamil Nadu Co-operative Milk
Producers Federation Limited,
Aavin Illam,
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Chennai - 600 051.

3.The Public Information Officer,
Deputy General Manager (Admn.),
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+1 CC to The Special Government Pleader (Co-OP) sr 5706.

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MP (CO)
SP (28/02/2020)



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