

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.21790 of 2013
and
M.P.Nos.1 & 2 of 2013

K.N.Subramanian

...

Petitioner

Vs.

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

2.The Managing Director,
Kalikkavalasu Primary cum Industrial Weaver's
Co-Operative Production and
Sale Society Ltd., No.E.H.131,
Murungatholuvu Post,
Chennimalai-638 051,
Erode District

3.V.Sarala

.... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India for a writ of Certiorari to call for the
entire records relating to the impugned order passed by the
first respondent in his proceedings R.T.I.Act.45/2013/G, dated
27.05.2013 and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.K.Ravi Kumar, AGP for R1
For RR2 & 3 : No appearance

ORDER

This writ petition has been filed to quash the Proceedings
in No.R.T.I. Act 45/2013/G, dated 27.05.2013 passed by the
first respondent.

2. It is the case of the petitioner that he was the Manager
of the second respondent Co-operative Society. According to

him, as per the Co-operative Acts and Rules, the second respondent should not disclose its business secrets. But it is his case, that now the third respondent has frequently made representations in the guise of getting information under Right to Information Act only for the purpose to extract money from the concerned persons, even though the 3rd respondent is not a member of the 2nd respondent society. 3rd respondent made an application under the Right to Information Act before the 1st respondent for furnishing the personal details of the petitioner including his property details as well as his family members' properties and income tax details, but the 1st respondent without enquiry, passed impugned order directing the 2nd respondent to furnish all personal details of the petitioner. Aggrieved by the same, the petitioner has come forward with the present Writ Petition.

3. The learned counsel appearing for the petitioner would submit that the particulars sought for by the third respondent are purely personal in nature and there is no public information involved. He would further submit that under Section 8(D) and 8 (J) of the Right to Information Act, personal information cannot be disclosed. While so, the first respondent issued directions to the second respondent to furnish the particulars sought for by the third respondent vide Proceedings in R.T.I. Act.45/2013/G, dated 27.05.2013 and hence, the learned counsel prays to set aside the impugned order.

4. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.K.Ravikumar, learned Addl.Government Pleader for the first respondent. Despite service of notice on the second and third respondents and their names having been printed in the cause list today, there is no representation on their side.

5. The learned Addl.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. versus State of Kerala and Ors. reported in Manu/SC/1020/2013. Referring to the said judgment, the learned Addl.Government Pleader would submit that a Co-operative 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.

6. This Court also perused the aforesaid decision of the Hon'ble Supreme Court. The Hon'ble the 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 second respondent is a cooperative society and hence, the third respondent is not entitled to seek information from the

first respondent regarding the personal details of the member of the the second respondent cooperative society.

7. 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 R.T.I. Act.45/2013/G, dated 27.05.2013 will have to be quashed. Accordingly, the Proceedings issued by the first respondent in R.T.I. Act.45/2013/G, dated 27.05.2013 is hereby quashed as the information sought for by the third respondent vide her representation cannot be granted as the second respondent is a cooperative society.

8. In the result, the impugned order passed by the first respondent in its proceedings RTI Act 45/2013/G dated 27.05.2013 is hereby quashed and the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.C.Prakasam, Advocate, SR.No.2561.
+1cc to Government Pleader, SR.No.3173.

W.P.No.21790 of 2013
and
M.P.Nos.1 & 2 of 2013

VD(CO)
CSR: 28.02.2020

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