

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 27760 of 2015

P.Perumal

... Petitioner

-vs-

1. The Commissioner,
Tamilnadu State Information Commission,
No.2, Thiyagaraya Road,
Eldams Road Junction, Teynampet,
Chennai - 18.
2. The Joint Director/Appellate Authority,
Co-operative Tea Industries,
Industries and Commerce Department,
Inco Serve Office, Cunnor Post, Nilgiris District.
3. The Public Information Officer/Managing Director,
Salisbury Industrial Co-operative Tea Factory Limited,
Gudalur Bazaar PO, Nilgiris District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Respondents in connection with the impugned order passed by the First Respondent in Case No.43641/C/2014 dated 20.07.2015 and quash the same.

For Petitioner : Mr. R.Dhineshkumar
For Respondents: Mr. Niranjan Rajagopalan (For R1)
Mr.P.Balaramesh (For R2)
Special Government Pleader
No Appearance (R3)

WEB COPY
O R D E R
(through video conference)

Heard Mr. R.Dhineshkumar, Learned Counsel for the Petitioner and Mr. Niranjan Rajagopalan, Learned Counsel appearing for the First Respondent, Mr.P.Balaramesh, Learned Special Government Pleader appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner had made an application dated 25.10.2013 under Section 6(1) of the Right to Information Act, 2005 (hereinafter referred to as the 'Act' for short) seeking certain information relating to his employment in the Third Respondent, which is a Co-operative Society governed by the Tamil Nadu Co-operative Societies Act, 1983. Since no response had been received by the Petitioner for the same, the Petitioner had filed the First Appeal under Section 19(1) of the Act, dated 07.11.2013 before the Second Respondent, who had also not taken any action in that regard. Thereafter, the Petitioner has preferred the Second Appeal dated 16.06.2014 under Section 19(3) of the Act, before the First Respondent, who had by Order-in-Case No.43641/C/2014, dated 20.07.2015 rejected the same for the reason that the Right to Information Act, does not apply to a Co-operative Society as held by the Hon'ble Supreme Court of India in Thalappalam Service Co-operative Bank Ltd., -vs- State of Kerala [(2013) 16 SCC 82] and followed by the Division Bench of this Court in Public Information Officer, Illayankudi Co-operative Urban Bank Ltd. -vs- Registrar, Tamil Nadu Information Commission (Order dated 29.04.2015 in W.A.No.2425 of 2013 etc., batch), where it has been held that Co-operative Society is not 'public authority' for the purpose of the Right to Information Act, 2005. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the order passed by the First Respondent.

3. Inasmuch as the Hon'ble Supreme Court of India as well as the Division Bench of this Court have already analyzed the matter in detail in the aforesaid binding decisions and held that a Co-operative Society cannot be treated as a body owned by, or controlled or substantially financed by the Government for the purpose of applicability of the Act, it is not possible to countenance the challenge made to the impugned order in this Writ Petition. There does not appear to be any infirmity in the decision making process of the First Respondent requiring interference by this Court in the exercise of discretionary powers of judicial review under Article 226 of the Constitution of India.

4. Accordingly, the Writ Petition is dismissed. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Msm

To

1. The Commissioner,
Tamilnadu State Information Commission,
No.2, Thiagaraya Road,
Eldams Road Junction, Teynampet, Chennai - 18.
2. The Joint Director/Appellate Authority,
Co-operative Tea Industries,
Industries and Commerce Department,
Inco Serve Office, Cunnor Post, Nilgiris District.
3. The Public Information Officer/Managing Director,
Salisbury Industrial Co-operative Tea Factory Limited,
Gudalur Bazaar PO, Nilgiris District.

W.P. No. 27760 of 2015

SS (CO)
GN(04/11/2020)



WEB COPY