



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17668 of 2021

and

W.M.P(MD) .Nos.14587 & 14589 of 2021

WEB COPY

A952, I Muthunayakenpatti Primary Agricultural
Cooperative Credit Society,
Represented by its Secretary,
C.Ayyadurai.

... Petitioner

Vs.

- 1.The Tamil Nadu Information Commission,
Represented by its Commissioner,
No.2, Theagaraya Salai,
Near Aalai Amman Koil,
Teynampet,
Chennai-600018.
- 2.The Joint Registrar of Cooperative Societies,
The Appellate Authority,
Collectorate Campus,
Dindigul,
Dindigul District-624004.

3.C.Ramasamy

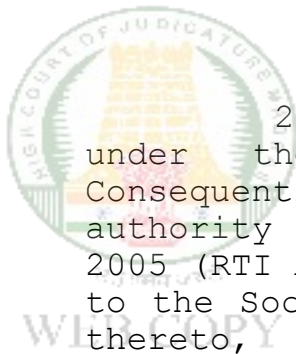
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Order No.SA.8323/A/2021 dated 03.09.2021 on the file of the Respondent No.1 and quash the same as illegal and consequently direct the respondent No.1 to drop the further proceedings against the A952, I Muthunayakenpatti Primary Agricultural Cooperative Credit Society.

For Petitioner	:	Mr.T.Lajapathi Roy
For R-1	:	Mr.K.K.Senthil
For R-2	:	Mr.K.S.Selva Ganesan, Counsel for State.

ORDER

The petitioner assails a communication dated 03.09.2021, which was issued by the first respondent.



2. The petitioner states that it is a Co-operative Society under the Tamil Nadu Co-operative Societies Act, 1983. Consequently, it is stated that the petitioner is not a public authority in terms of Section 2(h) of the Right to Information Act, 2005 (RTI Act). A request was made by an individual called Ramasamy to the Society seeking information under the RTI Act. In response thereto, the Society informed the Joint Registrar that the individual concerned is not entitled to such information because the Society is not a public authority under the RTI Act. Subsequently, the matter was carried in appeal to the first respondent. The communication dated 03.09.2021 was issued in such regard by the first respondent to the second respondent. The petitioner assails such communication.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the second respondent and Mr.K.K.Senthil, learned Standing Counsel, accepts notice for the first respondent. Mr.K.K.Senthil points out that the Writ Petition is not maintainable inasmuch as the impugned communication was not addressed to the petitioner. In addition, he submits that the official respondents are entitled to call for information from registered societies under the Tamil Nadu Co-operative Societies Act, 1983. On this issue, he relies upon paragraph 67 of the judgment of the Hon'ble Supreme Court in ***Thalappalam Service Co-operative Bank Limited Vs. State of Kerala (2013 (16) SCC 82)***. He also relies upon a recent judgment of the Division Bench of the Bombay High Court in ***Rajeshwar Majoor Kamgar Sahakari Sanstha Limited Vs. the State Information Commissioner and others (2021 SCC Online Bombay 2459)***.

4. Upon examining the impugned communication, as contended by learned counsel for the first respondent, such communication is not addressed to the petitioner. As held in the judgment reported in ***2013 (16) SCC 82***, the authorities exercising supervisory power under the Tamil Nadu Co-operative Societies Act undoubtedly qualify as public authority under Section 2(h) of the RTI Act. Therefore, a person seeking information, which is available with such public authority, may seek such information from such authority. In addition, such authorities are empowered to call for information from registered societies albeit in accordance with the provisions of the Tamil Nadu Cooperative Societies Act, 1983.

5. Although the petitioner contends that it is not a public authority under Section 2(h) of the RTI Act, it is not necessary to enter definitive findings on such issue for purposes of disposing of this case. As indicated above, the impugned communication is not addressed to the petitioner. As such, the petitioner has failed to make out a case to quash the impugned communication. Needless to say, the official respondents should only call for information from the petitioner in accordance with law.



6. Subject to the above observations, W.P.(MD).No.17668 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.(MD).Nos.14587 & 14589 of 2021 stand closed.

Sd/-

Assistant Registrar (AD I)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner,
Tamil Nadu Information Commission,
No.2 Theagaraya Salai,
Near Aalai Amman Koil,
Teynampet,
Chennai-600018.
- 2.The Joint Registrar of Cooperative Societies,
The Appellate Authority,
Collectorate Campus,
Dindigul,
Dindigul District-624004.

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-30840[F] dated 01/10/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-30978[F] dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-31037[F] dated 04/10/2021)

W.P (MD) No.17668 of 2021
01.10.2021

MGJ(07.10.2021) 3P 6C