



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1536 of 2022

and

W.M.P.Nos.1772 & 1774 of 2022

K.M. Samiyappan

...Petitioner

Vs

1. Appellate Authority/

Assistant Director of Handloom and Textiles,
O/o.Assistant Director of Handloom and Textiles,
Erode, Erode District.

2. The Information Officer/Managing Director,
E.H.131, Kalikkavalasu Primary cum

Industrial Handloom Weavers Cooperative
Production and Sale Society Ltd.,
Muruganthozhuvu Post, Chennimalai-638 051,
Erode District.

3. V. Muruganandam.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Mae.Mu.Ma.No.91/2022/G, dated 06.01.2022 and quash the same.

For Petitioner ... Mr. C. Prakasam

For Respondents ... Mr. A. Selvendran,
Special Government Pleader for R1 & R2,
Assisted by
Mr. U. Bharanidharan,
Additional Government Pleader

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned order dated 06.01.2022 passed by the 1st respondent.



2. Mr. A. Selvendran, Learned Special Government Pleader for R1 & R2 takes notice for R1 & R2.

3. The petitioner being one of the members of the E.H.131, Kalikkavalasu Primary cum Industrial Handloom Weavers Cooperative Production and Sale Society Limited, had filed this Writ Petition. It is the case of the petitioner that 3rd respondent had made an application before the 2nd respondent under the Right to Information Act, 2005, seeking certain information with regard to the subject society, for which, the 2nd respondent had sent a communication to the 3rd respondent stating that the co-operative societies are not coming under the purview of the Right to Information Act, 2005. Aggrieved by the same, the 3rd respondent had preferred an appeal before the 1st respondent, pursuant to which an impugned order has been passed stating to furnish the information sought for by the 3rd respondent. Against which, the petitioner has come up with the present petition seeking the relief of quashment of the said impugned order.

4. Learned counsel for the petitioner submits that as per sections 8(D) & 8(J) of the Right to Information Act, the personal information sought for by any individual should not be disclosed or if the same is irrelevant to any public activity or in the interest of the privacy of the individual. Without considering the same, the 1st respondent had passed an impugned order to furnish the information pertaining to the subject society, which is not in accordance with the aforesaid sections of the Act. Hence, the impugned order of the 1st respondent herein is liable to be set aside.

5. Learned Special Government Pleader appearing for the Respondents 1 & 2 submits that the petitioner having not been an aggrieved party and also having not been connected with 3rd respondent, has no locus standii to claim for the relief sought for in this Writ Petition, he cannot interfere with the impugned order of the 1st respondent. Hence, filing of Writ Petition seeking quashment of the same is not sustainable and this Writ petition is liable to be dismissed.

6. Heard the learned Counsel on the either side and perused the materials available on record.

7. A careful perusal of the materials available on record and the submissions made by the learned counsel on the either side reveals that the petitioner is neither an aggrieved party nor is he connected to the 3rd respondent. Further, the 3rd respondent also had not sought for any information relating to the petitioner. Therefore, the petitioner has no locus standii



to question the impugned order passed by the 1st respondent. In such view of the matter, this Court is not inclined to interfere with the impugned order of the 1st respondent herein. Hence, the relief sought in this Writ Petition cannot be granted and this Writ Petition deserves to be dismissed.

8. Accordingly, this Writ Petition is dismissed for the aforesaid reasons. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Appellate Authority /
Assistant Director of Handloom and Textiles,
O/o.Assistant Director of Handloom and Textiles,
Erode, Erode District.
2. The Information Officer/Managing Director,
E.H.131, Kalikkavalasu Primary cum
Industrial Handloom Weavers Cooperative
Production and Sale Society Ltd.,
Muruganthozhuvu Post, Chennimalai-638 051,
Erode District.

+1cc to the Government Pleader, S.R.No.7673

W.P.No.1536 of 2022

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NSK 16/03/2022