



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. Nos. 4014, 3268 & 46 of 2022

&

WMP Nos.4158, 46, 3402, 3403 & 4157 of 2022

W.P. NO. 4014 of 2022

The Management,
Z.573, Semmangudi Primary Agricultural
Co-operative Credit Society,
Rep by its President,
Semmangudi, Sirkazhi Taluk,
Mayiladuthurai District.

...Petitioner

..Vs..

1. The State Information Commissioner,
Tamil Nadu Information Commissioner,
No.2, Thiyagaraya Road, Teynampet,
Eldams Road Junction,
Chennai 600 018.
2. The Joint Registrar of Co-operative Societies,
Nagapattinam Circle,
Nagapattinam District.
3. The Deputy Registrar of Co-operative Societies,
Mayiladuthurai Circle,
Mayiladuthurai District.

4. P.Ezhilnathan

...Respondents

W.P. NO. 3268 of 2022

E.H. 131, Kalikkavalasu Primary cum
Industrial Handloom Weavers Cooperative
Production and Sale Society Ltd.,
Rep. by its President,
N. Govindasamy
S/o. Nanjappa Gounder
Kalikkavalasu, Murugatholuvu,
Erode Taluk & District 638 051.

...Petitioner

Vs.



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.,
Murugatholuvu Post,
Chennimalai 638 051
Erode District.

3. V. Muruganandam

...Respondents

W.P.No.46 of 2022

K. 2034 Pettikuttai Primary Agricultural
Cooperative Credit Society,
Rep. by its President
S. Rangasamy
S/o. Subbaiah Kavudar,
Pettikuttai Post,
Mettupalayam Taluk,
Coimbatore 638 459.

...Petitioner

Vs.

1. The General Manager
Coimbatore District Central Cooperative Bank Ltd.
Coimbatore 18.

2. K. Kanakaraj

...Respondents

Prayer in W.P.No.4014 of 2022: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the impugned proceedings in Na.Ka.1704/2021/Pa.tho. dated 06.01.2022 passed by the 3rd respondent and the S.A. No.11123/A/2021 dated 10.11.2021 on the file of the 1st respondent and quash the same.

Prayer in W.P.No.3268 of 2022: Writ Petition filed under Article 226 of Constitution of India, praying to issue 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.

Prayer in W.P.No.46 of 2022: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings



Na.Ka.No.02788/2012/Vae.Ka.1 dated 04.12.2021 and quash the same.

W.P. No.4014 of 2022

For Petitioner : Mr.R. Balaramesh
For R1 : Mr.C.Vigneswaran
For R2 & R3 : Mr. B. Vijay
Additional Government Pleader

W.P. No.3268 of 2022

For Petitioner : Mr.C.Prakasam
For R1 & R2 : Mr.B.Vijay
Additional Government Pleader

W.P. No.46 of 2022

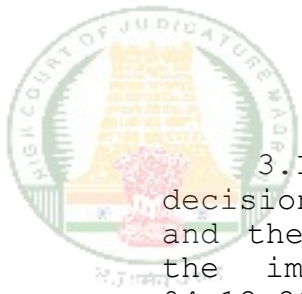
For Petitioner : Mr. C. Prakasam
For R1 : Mr. B. Vijay
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed by the Cooperative Societies challenging the impugned orders passed under the Right to Information Act.

2.They have challenged the impugned orders on the ground that, as cooperative societies, they do not fall within the ambit of the Right to Information Act. The law is now well settled by the following decisions, wherein it has been held that a cooperative society will not fall within the purview of the Right to Information Act.

- a) MANU/SC/1020/2013 - Thalappalam Ser. Coop. Bank Ltd., and Ors. Vs. State of Kerala and Ors.
- b) 2015 SCC Online Mad 13911 - Public Information Officer, Illayankudi Co-operative Urban Bank Ltd., Sivagangai District.
- c) 2020 SCC Online Mad 11087 - G. Chinnathambi versus Tamil Nadu Information Commission and others versus Registrar, Tamil Nadu Information Commission, Chennai and others.
- d) Judgment made in W.A. Nos.273 and 274 of 2022 & CMP Nos.193 and 1961 of 2022.



3. In view of the settled law, as laid down by the aforesaid decisions, the impugned orders have to be necessarily quashed and the Writ Petitions will have to be allowed. Accordingly, the impugned orders dated 06.01.2022, 06.01.2022 and 04.12.2021 respectively, which are the subject matters of these Writ Petitions are hereby quashed and the Writ Petitions are allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bga

To

1. The State Information Commissioner,
Tamil Nadu Information Commissioner,
No.2, Thiyagaraya Road, Teynampet,
Eldams Road Junction,
Chennai 600 018.
2. The Joint Registrar of Co-operative Societies,
Nagapattinam Circle,
Nagapattinam District.
3. The Deputy Registrar of Co-operative Societies,
Mayiladuthurai Circle,
Mayiladuthurai District.
4. The Appellate Authority /
Assistant Director of Handloom and Textiles,
O/o. Assistant Director of Handloom and Textiles,
Erode, Erode District.
5. The Information Officer / Managing Director
E.H. 131, Kalikkavalasu Primary cum
Industrial Handloom Weavers Cooperative
Production and Sale Society Ltd.,
Murugatholuvu Post,
Chennimalai 638 051
Erode District.



6. The General Manager
Coimbatore District Central Cooperative Bank Ltd.
Coimbatore 18.

+1cc to Mr.R.Bala Ramesh, Advocate, S.R.No.35162

+1cc to M/s.S.Arokia Maniraj, Advocate, S.R.No.35170

W.P. Nos. 4014, 3268 & 46 of 2022
&
WMP Nos.4158, 46, 3402, 3403 & 4157 of 2022

AJS (CO)
RGA (24/06/2022)