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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.4253 of 2015

&

M.P.No.1 of 2015

M/s.E.H.255,
Nehruji Handloom Weavers
Co-operative Production & Sales Society Ltd
Rep. by its President
K.Shanmugam
248, Chellakuttipalayam
Alathur
Kavindapadi
Erode District

... Petitioner

-Vs-

1. The Textiles Control Officer/Public Information Officer
O/o Assistant Director of Handlooms & Textiles
426, Bhavani Main Road
Ashokapuram
Erode District

2.The Managing Director/ Public Information Officer
E.H.255,
Nehruji Handloom Weavers
Co-operative Production & Sales Society Ltd
Palakattur, Athur Post
Kavindapadi via
Erode District

3. K.Vijaykrishnan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 1 and 2 from furnishing any particulars relating to affairs of the 2nd respondent society to the 3rd respondent as sought for in his representation dated



09.12.2014.

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For Petitioner : Mr.I.C.Vasudevan
For Respondents : Mr.M.Guru Prasad for R3
For R1 & R2 : No Appearance

O R D E R

Writ petition is filed seeking a Writ of Mandamus forbearing the respondents 1 and 2 from furnishing any particulars relating to affairs of the 2nd respondent society to the 3rd respondent as sought for in his representation dated 09.12.2014.

2. The 3rd respondent has sent a representation dated 09.12.2014 seeking the particulars relating to the affairs of the society under Right to Information Act to the 1st respondent. The 1st respondent/ Textiles Control Officer/Public Information Officer has directed the 2nd respondent Managing Director/ Public Information Officer of the Co-operative society to provide all the information which is sought under the Right to Information Act.

3. It is well settled that Co-operative Society will not fall under the purview of the definition of Public Authority as defined under section 2(h) of the RTI Act. The Hon'ble Supreme Court in the case of Thalapapalam Ser. Co.Op.Bank Ltd and another vs. State of Kerala, reported in 2013 (7) MLJ 407 (SC) has categorically held that Co-operative society registered under the Co-operative Societies Act will not fall under the purview of Public Authority and therefore they will not fall under the purview of Right to Information Act. The first Division Bench of this Court in the case of the Public Information Officer O/o The Illayankudi Co-operative Urban Bank limited and others Vs. Registrar Tamil Nadu Information Commission has further gone into the issue that the appointment of the Government officers who function as Special officer of the society will not make any difference and it will not bring the Co-operative society under the definition of public authority. Therefore, the direction of 1st respondent to the 2nd respondent to provide information under Right to Information Act is erroneous and the petitioner's society will not fall under the purview of Right to Information Act.



4. Therefore, the representation dated 09.12.2014 sent by the 3rd respondent to the 1st respondent and the 1st respondent direction to 2nd respondent to provide information under Right to Information Act is set aside as illegal and in the result, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

sha/kpr

To

1. The Textiles Control Officer/Public Information Officer
O/o Assistant Director of Handlooms & Textiles
426, Bhavani Main Road
Ashokapuram
Erode District

2.The Managing Director/ Public Information Officer
E.H.255,
Nehruji Handloom Weavers
Co-operative Production & Sales Society Ltd
Palakattur, Athur Post
Kavindapadi via
Erode District.

+lcc to Mr.Jayaprakash Narayanan, Advocate SR.No.11943
+lcc to Mr.Guruprasad, Advocate SR.No.12428
+lcc to Mr.Vasudevan, Advocate, SR.No.12274

W.P.No.4253 of 2015
&.M.P.No. 1 of 2015

MG(CO)
CB(21/03/2022)