

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NOS.11875 & 11878 OF 2022

&

W.M.P.NOS.11310 & 11312 OF 2022

W.P.NO.11875 OF 2022

K.Anbalagan

... Petitioner

.Vs.

1. The Registrar,
Tamil Nadu Information Commission,
37, Anna Salai,
Teynampet, Chennai - 600 018.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.
3. The Joint Registrar of Cooperative Societies,
Vellore Region,
District Collectorate Office,
Vellore - 4.
4. The Deputy Registrar of Cooperative Societies,
Thirupattur Region,
Thirupattur.

5. N.Sankar

... Respondents

W.P.NO.11878 OF 2022

N.P.Annadurai

... Petitioner

.Vs.

1. The Registrar,
Tamil Nadu Information Commission,
37, Anna Salai,
Teynampet, Chennai - 600 018.

2. The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.
3. The Joint Registrar of Cooperative Societies,
Vellore Region,
District Collectorate Office,
Vellore - 4.
4. The Deputy Registrar of Cooperative Societies,
Thirupattur Region,
Thirupattur.
5. S.Velarasu ... Respondents

COMMON PRAYER:-

Writ petitions filed under Article 226 of the Constitution of India for writ of declaration to declare the petitioners society does not fall under the definition of 'public authority' under section (h) of RTI Act, 2005.

IN BOTH W.P'S.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.H.Ravikumar
1 to 4 Government Advocate

COMMON ORDER

These Writ Petitions have been filed by the Cooperative Societies seeking for declaration that the respective petitioners societies does not fall under the definition of public authority under section 2(h) of the Right to Information Act.

2. 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 viz.,

a) MANU/SC/1020/2013 - Thalappalam Ser. Coop. Bank Ltd., and Ors. Vs. State of Kerala and Ors. W.P. No. 4014, 3268 & 46 of 2022 & WMP Nos.4158, 46, 3402, 3403 & 4157 of 2022;

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; and

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, these Writ Petitions are allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
Tamil Nadu Information Commission,
37, Anna Salai,
Teynampet, Chennai - 600 018.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.
3. The Joint Registrar of Cooperative Societies,
Vellore Region,
District Collectorate Office,
Vellore - 4.
4. The Deputy Registrar of Cooperative Societies,
Thirupattur Region,
Thirupattur.

+2ccs to Mr.G.Sankaran, Advocate, S.R.No.44254
+1cc to the Government Pleader, S.R.No.44587

W.P.NOS.11875 & 11878 OF 2022

GPL(CO)
PBS/25/07/2022