



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WRIT PETITION NO.30014 OF 2014

&

M.P.NO.1 OF 2014

G.1549 Thirukalukkundram Milk Producers,  
Co-operative Society ltd.,  
Rep. by its Secretary,  
Thirukalukundram,  
Kancheepuram District.

... Petitioner

-Vs-

1. The Deputy Registrar (Milk),  
Kancheepuram.
2. The Public Information Officer,  
O/o.The Deputy Registrar (Milk),  
Kancheepuram.

... Respondents

PRAYER:-

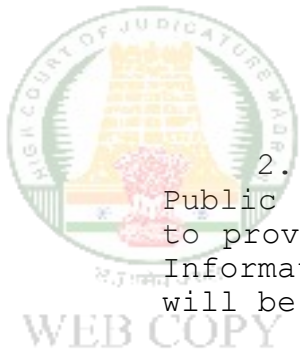
Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the Letter dated 04.09.2014 issued by the 2<sup>nd</sup> respondent in Na.Ka.1017/Uu/2014 and the Letter dated 21.08.2014 issued by the 1<sup>st</sup> respondent in Na.Ka.1017/Uu/2014 and quash the same.

For Petitioner : Mr.K.Vasanthakumar  
For Mr.N.Subramanian

For Respondents : Mr.M.R.Gokula Krishnan  
Additional Government Pleader

O R D E R

Aggrieved over the letter issued by the Public Information Officer/Deputy Registrar Dairy Development Kancheepuram, the petitioner Co-operative society has preferred the writ petition.



2. In proceedings Na.Ka.No.1017/Uu/2014 dated 04.09.2014 to Public Information officer has directed the petitioner society to provide all the information which is sought under a Right to Information Act within a period of one week failing which action will be taken against the society.

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 Thalappalam 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 1<sup>st</sup> 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 impugned order passed in proceedings in Na.Ka.1017/Uu/2014 dated 04.09.2014 directing the petitioner 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(CS VII)

//True Copy//

Sub Assistant Registrar

sha/kpr

To

1. The Deputy Registrar(Milk),  
Kancheepuram.



2. The Public Information Officer,  
O/o.The Deputy Registrar (Milk),  
Kancheepuram.

WEB COPY

+1cc to Mr.K.Vasanthakumar, Advocate, S.R.No.10856  
+1cc to the Government Pleader, S.R.No.11525

W.P.NO.30014 OF 2014 &  
W.M.P.NO.1 OF 2014

RSI (CO)  
PBS/21/03/2022