



W.P.No.33079 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.33079 of 2014

Dr.R.Jayakaran Issac

... Petitioner

Vs.

1. Central Information Commission,
'B' Wing, IInd Floor,
August Kranti Bhawan,
Bhaikaji Cama Place,
New Delhi – 110 066.

2. The Church of South India Trust Association,
Having registered office at No.5, Whites Road,
Royapettah,
Chennai – 600 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to adjudicate on the petitioner's complaint dated 23.12.2013 at an early date.

For Petitioner	: No Appearance
For Respondents	:
For R1	: No Appearance
For R2	: M/s.S.Bharathi Rajan



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ORDER

There is no representation on behalf of the petitioner. The learned counsel for the second respondent is present and submits that last chance may be granted for filing counter on 15.11.2022.

2. The specific case of the petitioner is that the second respondent is a Public Religious Charitable Trust, exempted from the payment of income tax and the beneficiaries of the Trust are among the worshiping members of the Church of South India. It is submitted that the petitioner is one among the 40 lakhs worshiping members of the Church of South India.

3. When the case was taken up for hearing, the learned counsel for the second respondent has filed a copy of the proceeding of the first respondent dated 18.05.2015. A decision has been taken based on the petitioner's complaint dated 23.12.2013. Relevant portion of the aforesaid decision reads as under:



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“DECISION:

1. At the outset, it is stated here by complainant, vide his complaint dated 23.12.2013, that the respondent's Company is substantially financed by the **four Southern State Governments**. Moreover, the respondents Company has also been receiving a **large donation** from the foreign countries which is controlled by the Enforcement Directorate. Therefore it is requested by him that respondent's company be declared a Public Authority under **Section 2(h)(d)(ii)** of the RTI Act 2005. It is also worth to mention here that no penal action has been prayed for by the complainant while filling the complaint u/s 18 of the RTI Act 2005 except the prayer as mentioned above.

2. For the sake of clarity, it would be appropriate to quote the exact wordings of **Section 2(h)(d)(ii) of the RTI Act 2005**, which reads as under:

“public authority” means any authority or body or institution of self-government established or constituted by notification issued or order made by the appropriate Government and includes any Non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.

3. During hearing of the case, a lengthy arguments were made by both parties. However, despite of lengthy arguments made by Shri.T.R.K.Kumarasingh, Learned Advocate, on behalf of appellant, he failed to produce any **documentary evidence** to prove that the respondents are **substantially funded or simply funded** either by the State Government or by Central Government to declare them as a Public Authority u/s **2(h)(d)(ii) of the RTI Act, 2005**. On this, Shri T.R.K.Kumarasingh simply refers the



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Page No.93, Para No.1.3 of a notes forming part of Financial statements circulated by The Church of South India Trust Association, which reads as under:

“Since the Financial Statements are being prepared incorporating all units and sub units accounts for first time and owing to the vast geographical presence of the company, the management is in the process of collection financial records in the form of returns from all the sub-units which is not complete as on 31st March 2013.”

4. Thus, nothing further survives for adjudication in this writ petition.

Accordingly, the Writ Petition stands closed. No costs.

15.11.2022

Index : Yes/ No

Internet : Yes/No

rgm



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To
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C.SARAVANAN, J.

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