



W.P.No.19115 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.19115 of 2019

and

W.M.P.Nos.16480 & 16481 of 2019

K.1967, Maruthur Co-operative Stores Ltd,
Rep by its President,
265, Poosarimariappan Street,
Ramakrishna Mutt, Ramanathapuram Post,
Coimbatore – 641 045.

... Petitioner

Vs

1.The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk, Chennai – 10.

2.The Additional Registrar of
Co-operative Societies (ICDP),
O/o The Registrar of Co-operative Societies,
No.170, N.V.N.Maligai,
Kilpauk, Chennai – 10.

3.The Deputy Registrar of
Co-operative Societies,
(Full Additional Charge),
Coimbatore Circle,
Coimbatore – 18.

4.A.Vennila

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the 1st respondent in Rc.No.149476/2005 AR, dated 25.11.2005, consequential revised orders passed by the 2nd respondent in Rc.No.66860/2013AR1, dated 06.09.2013, Rc.No.66860/2013AR1, dated 23.10.2013 and subsequent order issued by the 3rd respondent in Na.Ka.No.2359/2018/pa.tho dated 16.08.2017 signed on 21.08.2018 directing to furnish the information to the 4th respondent quash them holding that the petitioner co-operative stores registered under the Tamil Nadu Co-operative Societies Act will not fall within the definition of “public authority” as defined under Section 2(h) of the RTI Act.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.G.Ameedius
Government Advocate
for R1 to R3
Mr.Devaraj Mahesh
for R4

ORDER

The petitioner has challenged the impugned circular of the 1st respondent purportedly issued under the provisions of the RTI Act, 2005.

2.The learned counsel for the petitioner submits that the issue is no longer *res integra* and is squarely covered by the decision of the Hon'ble



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Division Bench of this Court in the case of **The Public Information Officer Vs. The Registrar, Tamil Nadu Information Commission and others** 2015 (4) CTC 105. He has also drawn attention to the order of the learned Single Judge of this Court in the case of **K.K.168, Naripalli Primary Agricultural Co-operative Credit Society Ltd, Rep by its Secretary, Naripalli Post, Dharmapuri District Vs. The Additional Registrar of Co-operative Societies (ICDP) and others**, wherein, taking note of the decision of the Hon'ble Supreme Court in the case of **Thalappalam Service Cooperative Bank Ltd and Others Vs. State of Kerala and Others** [2013 (6) CTC 98 (SC)].

3.The learned counsel for the respondents would submit that Registrar's Letter R.C.No.149476/2005 AR dated 25.11.2005 and the consequential order passed by the 2nd respondent/The Additional Registrar of Co-operative Societies (ICDP) in RC.66860/2013/AR1 dated 06.09.2013 and in RC.66860/2013/AR1 dated 23.10.2013 are not enforceable and consequently the order issued by the 3rd respondent in Na.Ka.No.2359/2018/Pa.tho dated 16.08.2017 and on 21.08.2018 are not sustainable.



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4. In view of the above, writ petition filed by the petitioner deserves to be allowed. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking/Non-Speaking Order
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To

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C.SARAVANAN, J.

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