



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 27.06.2022

CORAM

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P (MD) No.753 of 2022  
and  
W.M.P. (MD) No.595 of 2022

A 1382, Virudhunagar District Consumers  
Cooperative Whole Sales Stores Ltd.,  
Aruppukottai Road, Viruthunagar  
Rep.through its Managing Director (In-charge).  
... Petitioner

**Vs.**

1.The Tamil Nadu Information Commission,  
Rep. by its Commissioner,  
No.19, Arasu Pannai Graman,  
Peranpet, Nanthanam,  
Chennai 600035.

2.M.Sriramar ... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to No.SA 1793/A/2020 dated 01.12.2021 initiated by the 1<sup>st</sup> respondent, quash the same and consequentially direct the 1<sup>st</sup> respondent to drop the action.

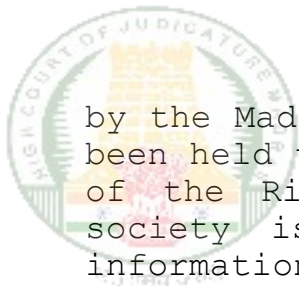
For Petitioner : Mr.T.Ravinchandran  
For Respondents : Mr.B.Saravanan,  
Standing Counsel for R1  
Mr.R.Murugappan for R2.

**ORDER**

Heard the learned counsel on either side.

2.The petitioner is a cooperative society. It received the impugned notice of enquiry from the information commission. Challenging the same, the writ petition has been filed.

3.The issue raised in the writ petition has been authoritatively concluded by the decision of the Hon'ble Supreme Court reported in **(2013) 16 SCC 82 (Thalapalam Service Cooperative Bank Limited Vs. State of Kerala)**. The said decision was followed



by the Madras High Court also in a number of decisions. It has now been held that a cooperative society cannot be brought under purview of the Right to Information Act, 2005. Since the cooperative society is not amenable to the Right to Information Act, no information under the said Act can be sought.

4. In this view of the matter, the very issuance of the impugned order is without jurisdiction, it stands quashed and the writ petition is allowed. I make it clear that the rights of the third respondent who is said to be employee of the writ petitioner society are left open. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar()

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/07/2022

Sub Assistant Registrar(CS)

Ias

TO

The Commissioner,  
Tamil Nadu Information Commission,  
No.19, Arasu Pannai Graman,  
Peranpet, Nanthanam,  
Chennai 600035.

+1 CC to M/s.R.MURUGAPPAN, Advocate ( SR-28393[F] dated 28/06/2022 )

+1 CC to M/s.B. SARAIVANAN, Advocate ( SR-28412[F] dated 28/06/2022 )

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SRK(CO)  
KB(05.07.2022) 2P 4C