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W.P.No.3871 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.3871 of 2015
and MP No.1 of 2015

The Pallakkattupudur Weavers'
Co-op. Production and Sale Society Ltd.,
No.A.A.128, Rep. By its
Managing Director V.Jayamani,
Public Information Officer,
Chennai-600 051
Erode District.

... Petitioner

-Vs-

1. The Appellate Authority Officer/
Assistant Director,
Handlooms and Textiles,
O/o.Assistant Director, Erode.

2. K. Gunasekaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order in Appeal Petition No.762 / 2015 / G dated 13.01.2015 passed by the 1st respondent and quash the same in view of the law laid down by the Honble Supreme Court in Thalappalam Service Cooperative Bank Ltd Vs. Union of India reported in 2013 (6) CTC 98.



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W.P.No.3871 of 2015

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.T.Arunkumar (for R1)
Additional Government Pleader
Mr.D.Raghu (for R2)

ORDER

The Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 and not funded by the State, cannot be considered as a State within the meaning of Article 12 of the Constitution of India. That apart, the Co-operative Societies not being a State would not fall under the ambit of the provisions of the Right to Information Act. The principles in this regard are settled by the Hon'ble Supreme Court of India in the case of *Thalappalam Service Cooperative Bank Ltd Vs. Union of India*, reported in **2013 (6) CTC 98** and the relevant paragraphs are extracted hereunder.

“53. Consequently, an information which has been sought for relates to personal information, the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual, the Registrar of Cooperative Societies, even if he has got that information, is not bound to furnish the same to an applicant, unless he is satisfied that the larger public interest justifies the disclosure of such information, that too, for reasons to be recorded in writing.

54. We, therefore, hold that the Cooperative Societies registered under the Kerala Co-operative Societies Act will not fall



W.P.No.3871 of 2015

within the definition of “public authority” as defined under Section 2(h) of the RTI Act and the State Government letter dated 5.5.2006 and the circular dated 01.06.2006 issued by the Registrar of Co-operative Societies, Kerala, to the extent, made applicable to societies registered under the Kerala Co-operative Societies Act would stand quashed in the absence of materials to show that they are owned, controlled or substantially financed by the appropriate Government. Appeals are, therefore, allowed as above, however, with no order as to costs.”

2. In view of the principles laid down by the Hon'ble Apex Court, the order impugned cannot be sustained. Accordingly, the impugned order passed by the 1st respondent, viz. The Appellate Authority Officer/Assistant Director, Handlooms and Textiles, Erode, is quashed. The Writ Petition stands allowed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

05.04.2023

Index: Yes/No
Speaking/Non-speaking order.
Neutral Citation: Yes/No.
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To

The Appellate Authority Officer/
Assistant Director,
Handlooms and Textiles,
O/o.Assistant Director,
Erode.



W.P.No.3871 of 2015

S.M.SUBRAMANIAM, J.

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W.P.No.3871 of 2015

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