



W.P. No. 29628 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.11.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU**

**W.P. No. 29628 of 2023**

**and**

**W.M.P. Nos. 29246 and 29247 of 2023**

TV. Spl. No. 1, Voimedu Primary Agricultural  
Cooperative Credit Society Ltd.,  
Rep. by its President,  
G.Natarajan, S/o. Gopal,  
Udayadevankadu,  
Voimedu East, Vedaranyam Taluk,  
Nagapattinam District.

... Petitioner

-VS-

1. The State Information Commission/Secretary,  
No. 19, Government Pannai Village,  
Peranpettai,  
Nandanam,  
Chennai – 600 035.

2. The Public Information Officer/Secretary,  
TV. Spl. No. 1, Voimedu Primary Agricultural  
Cooperative Credit Society Ltd.,  
Udayadevankadu,  
Voimedu East,  
Vedaranyam Taluk,  
Nagapattinam District.

3. Podhuvudai  
Respondents

...



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**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the First Respondent in the proceedings Case No. SA 5815/A/2021 dated 27.10.2022 and quash the same.

For Petitioner : Ms. R.Hemalatha

For Respondents : Mr. C.Vigneswaran (for R1)

Mr. U.Baranidharan,  
Additional Government Pleader (for R2)

Mr. C.Venkatesan (for R3)

## ORDER

Heard Ms. R.Hemalatha, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Counsel for the First Respondent, Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the Second Respondent and Mr. C.Venkatesan, Learned Counsel for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Third Respondent by application dated 20.01.2021 had sought information under the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act' for short) from the Second Respondent, which is a Co-operative Society governed by the Tamil Nadu Co-operative Societies Act, 1983 relating to loans advanced to its members. As the Second Respondent did not furnish the required information, the Third Respondent preferred second appeal in S.A.5815/A/2021 before the First Respondent, who had by order dated 27.10.2022 held that the decision of the Hon'ble Supreme Court of India in ***Thalappalam Service Co-operative Bank Limited -vs- State of Kerala*** [(2013) 16 SCC 84] would have to be restricted to the co-operative societies in the State of Kerala, and would not be applicable to co-operative societies in Tamil Nadu, as in this case, and directed the Second Respondent to furnish the information sought by the Third Respondent, which is assailed in this Writ Petition.

3. The Hon'ble Supreme Court of India in ***Thalappalam Service Co-operative Bank Limited -vs- State of Kerala*** [(2013) 16 SCC 84] has unambiguously held that a co-operative society is not a 'Public Authority' within the meaning of Section 2(h) of the RTI Act, and consequently it cannot be required to furnish information under the RTI Act. The circumstance that the



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said case arose from the State of Kerala cannot be the sole factor to hold that it would not be applicable to co-operative societies of other States like Tamil Nadu, in the absence of any distinguishing feature in the relevant statutory provisions in that regard.

4. In that view of the matter, the impugned order in Case No. SA 5815/A/2021 dated 27.10.2022 passed by the First Respondent, which cannot be sustained, is set aside.

In the result, the Writ Petition is ordered on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

10.11.2023

Index : Yes/No

Neutral Citation : Yes/No

**Note: Issue order copy by 22.05.2024.**

vjt

To

1. The State Information Commission/Secretary,  
No. 19, Government Pannai Village,  
Peranpettai, Nandanam,  
Chennai – 600 035.



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2. The Public Information Officer/Secretary,  
TV. Spl. No. 1, Voimedu Primary Agricultural  
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**P.D. AUDIKESAVALU, J.**

**vjt**

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