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W.P. No. 29925 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

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

**W.P. No. 29925 of 2023
and
W.M.P. No. 29540 of 2023**

Deputy Registrar/Director (General Administration),
Tamilnadu Cooperative Union Ltd.,
170, Periyar EVR High Road,
Kilpauk,
Chennai – 600 010.

... Petitioner

-VS-

1. The Registrar,
Tamilnadu State Information Commission,
No. 19, Government Estate Village,
Perampattai,
Nandanam,
Chennai – 600 035.

2. John Lopez

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the First Respondent relating to his Order No. SA 19267/A/2022 dated 14.08.2023 and quash the order.

For Petitioner : Mr. P.Anbarasan

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

Mr. K.S.Jeyaganeshan (for R2)



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ORDER

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Heard Mr. P.Anbarasan, Learned Counsel for the Petitioner, Mr. C.Vigneswaran, Learned Counsel for the First Respondent and Mr. K.S.Jeyaganeshan, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The First Respondent by order dated 14.08.2023 in Case No. SA19267/2022 had directed the Petitioner to furnish certain information sought by the Second Respondent, who is its former employee. The Writ Petition has been filed challenging the said order of the First Respondent claiming immunity from the applicability of the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act' for short), placing reliance on the authoritative pronouncement of the Hon'ble Supreme Court of India in ***Thalappalam Service Co-operative Bank Limited -vs- State of Kerala*** [(2013) 16 SCC 82], which now holds the field.

3. Learned Counsel for the Second Respondent asserted that the Petitioner is a stand alone legal entity created under the Section 19 of the Tamil Nadu Co-operative Societies Act, 1983, and it is not a Co-operative Society in terms of that Act so as to be not treated as a 'public authority' within the meaning of the



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4. However, without prejudice to the rival contentions, the Second Respondent was permitted to inspect the records of the Petitioner by this Court and it is represented by Learned Counsel for the Second Respondent that the Second Respondent has identified certain documents and has sought for supply of its copies. In view of the aforesaid subsequent events, this Court without expressing any view on the merits of the rival contentions of the parties, leaves it open to the Second Respondent to work out his rights in respect of the limited question of obtaining copies of the documents sought, before the proper forum in the manner recognized by law.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

20.12.2023

Index: Yes/No
NCC: Yes/No

Note: Issue order copy by 22.05.2024.

vjt

To

The Registrar,
Tamilnadu State Information Commission,



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No. 19, Government Estate Village,
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Nandanam,
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P.D. AUDIKESAVALU, J.

vjt

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