



W.P.(MD) No.1102 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.1102 of 2018

T.K.Gireesh Kumar

... Petitioner

/vs./

**1.The Deputy Registrar of Co-operative Societies,
Thuckalay Region,
Thuckalay Post,
Kanyakumari District.**

**2.The Secretary/Public Information Officer,
Primary Agricultural Co-operative Credit Society No.674,
Thiruvattar Post,
Kanyakumari District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent herein to furnish the information sought by the petitioner under RTI Act dated 04.08.2017 before the 1st respondent which was forwarded to the 2nd respondent vide proceedings Na.Ka.3333/2017/Tho.Ve.Sa.(3) dated 18.08.2017 for the Sl.Nos. viz., 1, 2, 3, 4, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 25, 26, 27, 29, 30, 32 & 33 within a stipulated time.



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For Petitioner : No appearance
For R1 : Mr.K.Selva Ganesh
Additional Government Pleader
For R2 : No appearance

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the second respondent to furnish the information sought by the petitioner under RTI Act dated 04.08.2017 before the first respondent.

2. There is no representation on behalf of the petitioner as well as the second respondent.

3. It is informed that the issue is now covered against the decision of the Hon'ble Supreme Court in *Thalappalam Service Cooperative Bank Ltd., and others Vs. State of Kerala and others* reported in **2013 (7) MLJ 407 (SC)**, wherein it has been held as under:

“We, therefore, hold that the Cooperative Societies registered under the [Kerala Co-operative Societies Act](#) will not fall 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



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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.”

4.In ***Public Information Officer Vs. The Registrar, Tamil Nadu Information Commission and others*** reported in ***2015 (4) CTC 105***, it has been observed as under:

“9. In the light of the above, we have no hesitation to hold that the legal issue arising in these appeals are squarely covered by the decision of the Hon'ble Supreme Court in the case of [Thalappalam Ser. Coop., Bank Ltd., and Others](#), (supra). The distinction sought to be drawn by the learned counsel for the respondent stating that the provisions of the [RTI Act](#) would be applicable to cases where the Government Officers are appointed to function as Special Officers of the society, when there is no elected Board of Directors, could hardly make any difference in the light of the recent pronouncement of the Hon'ble Supreme Court. The learned counsel appearing for the appellants submitted that for all the societies, elections were conducted and the societies are managed by the elected members.”

5.This view has also been followed recently by this Court in ***W.P.No.14298 of 2022 (The President Vs. The State Information Commissioner and others)*** dated ***06.06.2024***.



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6.In view of the above, the present Writ Petition stands dismissed. No costs.

Index : Yes / No

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Internet : Yes / No

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To

The Deputy Registrar of Co-operative Societies,
Thuckalay Region,
Thuckalay Post,
Kanyakumari District.



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C.SARAVANAN, J.

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