



W.P.(MD).No.20147 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.20147 of 2023

and

W.M.P.(MD)No.16615 of 2023

Veeranathan

...Petitioner

Vs

1.The General Information Officer/
Joint Commissioner, (Head Office),
Hindu Religious and Charitable Endowment Department,
Chennai – 34.

2.The General Information Officer/Manager,
Joint Commissioner Office,
Hindu Religious and Charitable Endowment Department,
Tirunelveli.

3.T.Rajeshkumar

4.S.Senthil

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceeding in Tha.Vu.Sa.Manu.No. 184/2023/A3 dated 27.07.2023 passed by the second respondent and quash the same.



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For Petitioner : Mr.M.Ramu

For R-1 and R-2 : Mr.P.Subbaraj
Special Government Pleader

For R-3 and R-4 : No Appearance

ORDER

Heard Mr.M.Ramu, learned counsel for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader for the respondents 1 and 2.

2. In spite of notice being served to the fourth respondent, there was no representation on behalf of the fourth respondent either in person or through counsel.

3. Challenge in the Writ Petition is the proceedings of the second respondent to furnish information as claimed by the fourth respondent.

4. The petitioner contends that the claim for information under the Right to Information Act cannot be entertained at the request of a private individual. The petitioner further contends that it does not qualify as a public authority amenable to the provisions of the RTI Act. He would



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also heavily rely upon the judgment of the learned Single Judge made in batch of cases in W.P.(MD)Nos.16567 of 2010 etc., dated 01.10.2021.

5. I have perused the judgment of the learned Single Judge. After dealing with the provisions of the Right to Information Act and various other judgments, the learned Single Judge has held that considering the unique functions that had been discharged by Mutt, a Mutt does not assume the character of a public authority amenable to the provisions of the RTI Act. For better appreciation, the relevant paragraph is extracted hereunder:

“65.The office of Madathipathi and hereditary trusteeship thus converge into a single role and functionality. A Madathipathi is, in effect, a corporation sole, an independent entity with a common ideal and with perpetual succession. By its very nature, by virtue of the unique functions it discharges as well as the duality of the roles played by the Madathipathi, a Mutt does not assume the character of a public authority amenable to the provisions of the RTI Act. (See Vidyapurna Thirtha Swami, Minor By Next Friend Vyasacharya Vs Vidyamidhi Tirtha Swami (Died) (1904 (1) MLJ 105).”



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6. Considering the specific judgment rendered by the learned Single Judge, which is applicable to the petitioner herein, this Court hereby sets aside the impugned communication dated 27.07.2023.

7. In fine, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The General Information Officer/
Joint Commissioner, (Head Office),
Hindu Religious and Charitable Endowment Department,
Chennai – 34.
- 2.The General Information Officer/Manager,
Joint Commissioner Office,
Hindu Religious and Charitable Endowment Department,
Tirunelveli.



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K.KUMARESH BABU, J.

Nsr

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