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W.P.No.3975 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.3975 of 2025

P.Jothibas

... Petitioner

vs.

1. The Commissioner,
State of Information Commission,
No.19, Government Farm House,
Chennai 600 035.
 2. The General Manager (Sales) cum Appellate Authority,
Tamilnadu Co-operative Marketing Federation Limited (TANFED),
No.91, St.Mary's Road,
Chennai 600 018.
 3. The Deputy Registrar/Secretary cum Public Information Officer,
Tamilnadu Co-operative Marketing Federation Limited (TANFED)
No.91, St.Mary's Road,
Chennai 600 018.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the first respondent to expeditiously pass orders on the second appeal of the petitioner preferred under Section 19(3) of the Right to Information Act, 2005 dated 11.07.2023 pending on its file within the time stipulated by this Court.



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For Petitioner : Mr.M.Purushothaman
For R1 : Mr.C.Vigneswaran
For R2 & R3 : Mr.K.Tamilvendan
Govt.Advocate.

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. The present writ petition has been filed to issue a writ of mandamus directing the first respondent to pass orders on the second appeal of the petitioner preferred under Section 19(3) of the Right to Information Act, 2005 dated 11.07.2023.

3. It is the case of the petitioner that he submitted an application under Right to Information Act, 2005 to the third respondent on 02.05.2023. The third respondent vide his letter dated 17.05.2023 by relying upon the Judgment of this Court in W.A.Nos.2424 to 2428, 2500 of 2013 dated 29.04.2015 stating that the Co-operative Societies as per



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Section 2(h) of the Right to Information Act, 2005 does not come under the purview of the Right to Information Act. Aggrieved by the same, the petitioner preferred an appeal to the second respondent dated 25.05.2023. The second respondent has given a reply dated 05.07.2023 by referring to the letter /reply of the third respondent and thereby failed to give the information sought by him. Aggrieved by the same, the petitioner has preferred the Second Appeal to the first respondent dated 11.07.2023 under Section 19(3) of the Right to Information Act, 2005.

4. The learned counsel appearing for the petitioner submitted that the Second Appeal has been filed by the petitioner on 11.07.2023 under Section 19(3) of the Right to Information Act, 2005 before the first respondent and the same has been numbered as S.A.No.1250 of 2023.

5. The learned counsel further submitted that this matter pertains to the tender for records 22 crores in regard to Organic manure, Bio-stimulant, Plant Growth Regulator, Neem Cake Bio Fertilizer and Nutrient Fertilizers, manufacturing license submitted by the private organizers of manufacturing certificate issued by the Agriculture Department after



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obtaining test certificate from State and Central Agricultural Universities and the same has been already stated by the Hon'ble First Bench of this Court . Hence, this urgency to dispose of the said second appeal.

6. The learned counsel appearing for the first respondent submitted that the second appeal will be taken only on the basis of seniority since the second appeal is pertaining to the year 2023, after disposing the appeal filed earlier, this second appeal will be taken up for consideration.

7. Heard the learned counsel appearing on either side and also perused the materials available on records.

8. In view of the submissions made by the learned counsel on either side, the first respondent is directed to dispose of the second appeal filed by the petitioner dated 11.07.2023 on merits, in accordance with law and pass appropriate orders , within a period of three months from the date of receipt of a copy of this order.



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9. This writ petition stands disposed of with the above direction.

No costs.

06.02.2025

Index : Yes/No.

Internet : Yes/No.

Neutral Citation : Yes/No

Speaking : Non-speaking Order

kkd

Note: Issue order copy on 13.02.2025

To

1. The Commissioner,
State of Information Commission,
No.19, Government Farm House,
Chennai 600 035.
2. The General Manager (Sales) cum Appellate Authority,
Tamilnadu Co-operative Marketing Federation Limited (TANFED),
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