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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01-07.2025

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THE HONOURABLE MRS.JUSTICE N. MALA

WP .No. 15124 of 2025

and WMP.No.17040 of 2025

D.K.80, Berigai Primary Agricultural Cooperative Credit Society,
Rep by its Secretary, Soolagiri Road,

Berigai Village & Post,Soolagiri Taluk, Krishnagiri District. ..Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies/

Public Information Officer,

Hosur Circle, Krishnagiri District

2.Amaresh ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records of the letter of direction issued by the 1st respondent in Na.Ka.No.567/2025 Tho.va dated 15.04.2025 quash the same holding that the petitioner Cooperative Credit Society Registered under the Tamil Nadu Cooperative Societies Act will not fall within the definition of “Public Authority” as denied under Section 2(h) of the RTI Act.

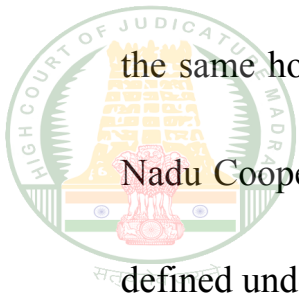
For Petitioner(s): Mr.M.S.Palaniswamy

For Respondent(s):Mr.T.Chezhiyan, AGP for R1

No appearance for R2

ORDER

This Writ Petition is filed for a Writ of Certiorari to call for the records of the letter of direction issued by the 1st respondent in Na.Ka.No.567/2025 Tho.va dated 15.04.2025 quash



the same holding that the petitioner Cooperative Credit Society, Registered under the Tamil Nadu Cooperative Societies Act, does not fall within the definition of “Public Authority” as defined under Section 2(h) of the RTI Act.

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2. The petitioner is the Secretary of the Berigai Primary Agricultural Cooperative Credit Society, registered under the Tamil Nadu Cooperative Societies Act. The second respondent filed an application to the first respondent on 04.04.2025, seeking certain information from the petitioner Society. Pursuant to the said application of the petitioner, the first respondent sent the impugned letter dated 15.04.2025, directing the petitioner to furnish the information sought for by the applicant, within the time stipulated under the RTI Act. Aggrieved by the said impugned letter, the petitioner has filed the above writ petition for the aforesaid relief.

3. Learned counsel for the petitioner submitted that the direction issued by the first respondent in the impugned letter dated 15.04.2025 was contrary to law and without jurisdiction, as the first respondent failed to note that the petitioner Society, did not fall within the definition of the term “Public Authority” as defined under Section 2 (h) of the RTI Act.

The learned counsel submitted that the petitioner Cooperative Society, was a registered body and was run by the share capital of its members and administered by the Elected Board of Management and as such, the government had no role or control over the affairs of the petitioner Society.



4. Learned counsel for the petitioner, in support of his submissions, relied on the decision of the Hon'ble Supreme Court reported in **2013 (7) MLJ 407**.

5. Heard the learned counsel on either side and perused the materials placed on record.

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6. With the consent of both counsels, the writ petition is taken up for final disposal.

7. The issue whether a Cooperative Society is a public authority as defined under Section 2(h) of the Right to Information Act, and amenable to the provisions of the RTI Act, is no longer *res integra*. The Hon'ble Supreme Court in **2013 (7) MLJ 407**, in unequivocal terms declared that all Cooperative Societies established under the provisions of the Cooperative Societies Act, unless, owned, controlled and substantially financed by the funds either directly or indirectly by the government, fall outside the purview of the RTI Act, since they would not be covered by the definition of the term “Public Authority” defined under Section 2(h) of the RTI Act. Indisputably, the petitioner Society which is a registered Society, under the Cooperative Societies Act, is neither owned, controlled or funded by the Government, either directly or indirectly, which is clear from the averments in affidavit, wherein it is pleaded that the petitioner Society is run by the share capital of its members and administered by the Elected Board of the Management and that the government has no role or control over the affairs of the petitioner Society.

8. Further, the Hon'ble Supreme Court, while holding that the registered Society's not owned,



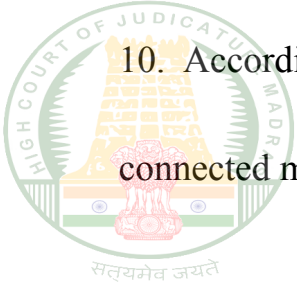
controlled or funded by the Government fall outside the purview of the Act, ess,

held that the Registrar of the Cooperative Societies, functioning under the Cooperative

संव Societies Act, was a public authority, falling within the definition of 'Public Authority'
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defined in Section 2(h) of the RTI Act. The court held that since the Registrar of the Cooperative Society, was conferred with the statutory powers under the Cooperative Societies Act, he was amenable to the provisions of the RTI Act, and was as such bound to furnish information as required under the RTI Act. The Hon'ble Supreme Court further clarified that the information to be provided by the Registrar, under the RTI Act, was subject to the limitations provided under Section 8 of the RTI Act. The Hon'ble Supreme Court therefore held that to the extent the law permits the Registrar to gather information from the Society, over which he has the supervisory or administrative control, under the Cooperative Societies Act, he was obliged to disclose the information. In my view, the aforesaid judgment squarely applies to this case.

9. In the light of the law laid down by the Hon'ble Supreme Court, the Writ Petition is allowed and the order dated 15.04.2025, passed by the first respondent, is set aside. Needless to state that the first respondent, is bound to gather the information from the petitioner Society, and if such information does not fall under any of the exemptions provided under Section 8 of the RTI Act, the 1st respondent shall furnish the information to the petitioner.



10. Accordingly, the writ petition is allowed with the aforesaid direction. C tly,
connected miscellaneous petition is closed. No costs.



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01.07.2025

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation: Yes/No

To
The Deputy Registrar of Cooperative Societies/
Public Information Officer,
Hosur Circle, Krishnagiri District

N. MALA.,J
gv



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