



WEB COPY



W.P.No.32089 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.32089 of 2025 &
WMP.No.35975 of 2025

Pothuvudai G

... Petitioner

Vs.

1.The State Chief Information Commissioner,
Tamil Nadu Chief Information Commission,
Chennai.

2.The Deputy Registrar of Co-Operative Societies,
The First Appellant Authority,
Nagapattinam Registrar Office,
Nagapattinam District.

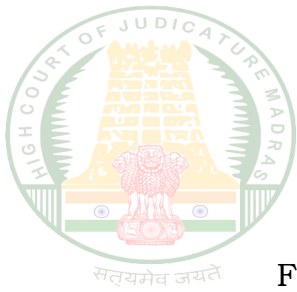
3.The Public Information Officer cum Joint Registrar,
Cooperative Societies,
Nagapattinam District.

... Respondents

(R3 is amended as per the
order dated 01.09.2025
passed in W.P.No.32089 of
2025)

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the impugned order No.Na.Ka.No.55/2025/PA THO dated 27.02.2025 issued by the 2nd respondent, quash the same and consequently, direct the 2nd and 3rd respondents to provide the information sought by the petitioner in the RTI application dated 19.12.2024 from the Voimedu Primary Agriculture Co-operative Credit Society Limited, within a time frame to be stipulated by this Court.

For Petitioner :Mr.A.Arun Kumar



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For Respondent 1 :Mr.C.Vigneshwaran, Standing Counsel

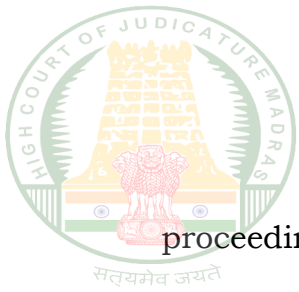
For Respondents
2 & 3 :Mr.S.Ravikumar,
Special Government Pleader

ORDER

I heard Mr.A.Arun Kumar for the petitioner and Mr.C.Vigneshwaran, Standing counsel for the first respondent and Mr.S.Ravikumar, learned Special Government Pleader for the respondents 2 and 3.

2. The third respondent has been shown as Public Information Officer, Nagapattinam Registrar Office, Nagapattinam District. This is an obvious error. The appropriate authority is the Public Information Officer cum Joint Registrar, Cooperative Societies. Therefore, the third respondent shall be read as Public Information Officer cum Joint Registrar, Cooperative Societies, Nagapattinam.

3. The petitioner had sought for certain information regarding loan details, documentation and beneficiary records pertaining to the Voimedu Primary Agriculture Cooperative Credit Society Limited. He made an application on 20.01.2021 seeking the aforesaid information from the 3rd respondent. The said application was rejected on 17.02.2021, stating that a "Cooperative Society" does not fall within the scope of the Right to Information Act (hereinafter referred to as '(RTI Act)'). Aggrieved by the said order, he filed an appeal before the second respondent, who passed a



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proceeding dated 16.03.2021, directing the 3rd respondent to furnish the details. However, the public information officer passed another order on 16.04.2021, reiterating the same. The petitioner claims that he preferred a second appeal to the first respondent in SA.No.5815/A/2021. The first respondent passed an order dated 27.10.2022 directing the third respondent to provide information to the writ petitioner.

4. Thereafter, the Public Information Officer filed a review petition before the first respondent on 27.01.2023. The petitioner urges that the first respondent had reversed its decision and dismissed the appeal. However, there are no records to substantiate the said plea. The petitioner thereafter, filed a Writ Petition in W.P.No.21904 of 2021 seeking to quash the proceedings of the Public Information Officer in charge of the society. That writ petition was dismissed as withdrawn.

5. Yet again, the petitioner filed a fresh application under the RTI Act on 19.12.2024. As no orders were passed within the time stipulated under the RTI Act, treating it as rejection, he preferred an appeal to the second respondent. The second respondent passed an order on 27.02.2025 rejecting the appeal, holding that as the petitioner had already filed W.P.No.21904 of 2021 and the same had been dismissed as withdrawn, the petitioner is not entitled to the information sought for. Yet again, the second respondent reiterated the view that the Cooperative Societies do not fall within the meaning of public authority under the RTI Act. The petitioner claims that he



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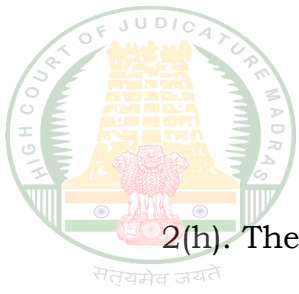
filed a second appeal to the first respondent on 20.03.2025 and as the same was not numbered, he has moved the present writ petition.

6. When the writ petition was taken up for hearing, Mr.Vigneshwaran appearing for the first respondent states that the appeal filed on 20.03.2025 had been returned by the first respondent for compliance, and instead of complying the return, the petitioner has filed this writ petition.

7. Learned Special Government Pleader, relying upon the judgment of the Supreme Court in ***Thalappalam Service Coop. Bank Ltd. v. State of Kerala, (2013) 16 SCC 82***, pleads that cooperative societies is not a public authority within the meaning of Section 2(h) of the Right to Information Act, hence, this writ petition is misconceived.

8. I have carefully considered the submissions made on either side and have gone through the records.

9. Insofar as the State of Tamil Nadu is concerned, the Cooperative Societies are being managed by Administrators, pursuant to a legislation passed by the State of Tamil Nadu, called the Tamil Nadu Co-operative Societies (Amendment) Act, 2013. In ***Thalappalam's*** case, the Supreme Court had held that the Cooperative Societies are not susceptible for information, since they are not a public authority within the scope of Section



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2(h). The bench came to this conclusion, since the societies under the Kerala Cooperative Societies Act are not controlled, supervised or financed by the State of Kerala. Such a situation does not exist in this State. It is not in dispute that the State of Tamil Nadu does extend financial aid to the societies in the form of loan waiver schemes. As already premised, societies have been controlled by Administrators, who report directly to the Deputy Registrars, who have jurisdiction over the societies.

10. Apart from these two, under the Cooperative Societies Act itself, the Deputy Registrars, the Joint Registrars and the Registrars have powers to summon records from the respective societies and satisfy themselves as to the correctness or otherwise, or as to how the Societies are functioning.

11. In fact, my brother Mr.Justice G.K.Ilanthiraiyan, taking into consideration the existence of such a procedure, had directed the Public Information Officer / Deputy Registrar of the Cooperative Societies, Perambalur, to collect information from the Society, and if they have information capable of being disseminated, to grant the same to the applicants. This view was taken in ***M.Loganathan v. Public Information Officer / Deputy Registrar of Cooperative Societies, Perambalur Circle, Perambalur and other*** in W.P.No.27275 of 2024 dated 12.09.2024.

12. In the present case, the impugned order reveals that the Deputy



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Registrar has rejected the application on a simple ground, that a Cooperative Society is not a public authority within the meaning of Section 2(h)(d)(ii) of the RTI Act. This view being contrary to the view taken by Mr.Justice G.K.Ilanthirayan, it necessarily has to be interfered with. Accordingly, the impugned order is quashed. The second respondent is directed to restore the application filed by the petitioner onto his file. He shall consider the information that has been sought for by the petitioner in the light of the Right to Information Act, and those information which are not covered under the exceptions to the Act, will be provided to the petitioner. To make it abundantly clear, the information regarding disbursements of the Government benefits are not those relating to any third party information, since it is the Government largesse which has gone from the hands of the Government to the Cooperative Society, and in turn to the members.

13. The writ petition is ordered in the above terms. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

01.09.2025

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Internet:Yes
Index:Yes/No



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Speaking/Non speaking order

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To

- 1.The State Chief Information Commissioner,
Tamil Nadu Chief Information Commission,
Chennai.
- 2.The Deputy Registrar of Co-Operative Societies,
The First Appellant Authority,
Nagapattinam Registrar Office,
Nagapattinam District.
- 3.The Public Information Officer,
Nagapattinam Registrar Office,
Nagapattinam District.



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V. LAKSHMINARAYANAN. J,

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