



WEB COPY

WP No. 20640 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 20640 of 2022

and

WMP No. 19764 of 2022

K.863, Elumathur Primary Agricultural
Cooperative Credit Society Limited,
Rep. by its President
N. Sivanandam
S/o. Nadanasabapathy,
Elumathur Village and Post - 638 104
Modakurichi Taluk,
Erode District.

..Petitioner(s)

Vs

1. The Deputy Registrar of Cooperative Societies,
(Public distribution system) / Public
Information Officer,
Cooperative Office Campus,
Mohan Kumaramangalam Road,
Surampatti, Erode 9.

2. B. Dharmaraj

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.2053/2019/PDS.2, dated 05.09.2019 and quash the same.

For Petitioner(s) : Mr.C.Prakasam

For Respondent(s) : Mr.M.Muthusamy, GA for R1
Mrs.M.Nuzhath Khanam



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for M/s.I.Kowser Nissar

ORDER

This writ petition has been filed to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.2053/2019/PDS.2, dated 05.09.2019 and quash the same.

2. The case of the petitioner is that the second respondent had sought for information relating to the petitioner viz., K.863, Elumathur Primary Agricultural Co-operative Credit Society Limited, from the first respondent under the provisions of the Right to Information Act, 2005 (hereinafter referred to as 'the Act' for short). In the meanwhile, the First Respondent in his letter No.Na.Ka.2053/2019 dated 05.09.2019 required the petitioner to furnish the information sought by the Second Respondent. The petitioner society sent a suitable reply to the respondents stating that the Cooperative Societies are not amenable under Right To Information Act. Despite which, the second respondent approached the State Information Commission, who in turn by order dated 02.06.2022 in Case No.NC 263/Enquiry/E/2021 and SA 10846/E/2019 directed the first respondent to furnish the information sought by the second respondent. Aggrieved over the direction issued by the first respondent dated 05.09.2019, the petitioner society has come forward with the present writ petition.



3. Learned counsel for the petitioner would submit that in the present case, the petitioner society is not a public authority so as to provide any information to the second respondent. If at all the second respondent sought any information, the first respondent is entitled to provide the said information available with them and not entitled to call for the information from the petitioner to furnish additional information that exceeds what is currently held on record. To substantiate the same, he relied on the judgment passed by the Hon'ble Supreme Court of India in the case of ***Thalappalam Service Cooperative Bank Limited Vs. State of Kerala [(2013) 16 SCC]*** and the relevant paragraphs are extracted hereunder:

51. We have found, on facts, that the Societies, in these appeals, are not public authorities and, hence, not legally obliged to furnish any information sought for by a citizen under the RTI Act. All the same, if there is any dispute on facts as to whether a particular Society is a public authority or not, the State Information Commission can examine the same and find out whether the society in question satisfies the test laid in this judgment. Now, the next question is whether a citizen can have access to any information of these Societies through the Registrar of Cooperative Societies, who is public authority within the meaning of Section 2(h) of the Act.

52. Registrar of Cooperative Societies functioning under the Cooperative Societies Act is a public authority within the meaning of Section 2(h) of the Act. As a public



authority, Registrar of Co-operative Societies has been conferred with lot of statutory powers under the respective Act under which he is functioning. He is also duty bound to comply with the obligations under the RTI Act and furnish information to a citizen under the RTI Act. Information which he is expected to provide is the information enumerated in Section 2(f) of the RTI Act subject to the limitations provided under Section 8 of the Act. Registrar can also, to the extent law permits, gather information from a Society, on which he has supervisory or administrative control under the Cooperative Societies Act. Consequently, apart from the information as is available to him, under Section 2(f), he can also gather those information from the Society, to the extent permitted by law. Registrar is also not obliged to disclose those information if those information fall under Section 8(1)(j) of the Act. No provision has been brought to our knowledge indicating that, under the Cooperative Societies Act, a Registrar can call for the details of the bank accounts maintained by the citizens or members in a cooperative bank. Only those information which a Registrar of Cooperative Societies Act from a Society could be said to be the information which is “held” or “under the control of public authority”. Even those information, Registrar, as already indicated, is not legally obliged to provide if those information falls under the exempted category mentioned in Section 8(j) of the Act. Apart from the Registrar of Co-operative Societies, there may be other public authorities who can access information from a Co-operative Bank of a private account maintained by a member of society under law, in the event of which, in a given situation, the society will have to part with that



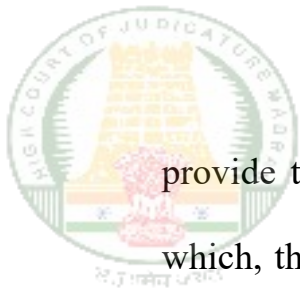
information. But the demand should have statutory backing.”

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4. Learned counsel appearing for the second respondent would submit that whatever information available with the first respondent, they are entitled to provide the same.

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

6. The second respondent had sought for information relating to the petitioner society from the first respondent, who in turn, vide his letter No.Na.Ka.2053/2019 dated 05.09.2019 required the petitioner to furnish the information sought by the second respondent, against which the present writ petition is filed. Since the petitioner society is not a public authority and not amenable under the Right to Information Act to provide the information to any private entity, the first respondent is not entitled to forward the copies of the information sought by the second respondent to the petitioner society for collecting the same. Further, in the present case, the first respondent had provided the information available, as sought by the second respondent, who has also received and ascertained the said information. However, beyond the jurisdiction, now, the first respondent called upon the petitioner society to



provide the additional information as sought by the second respondent. For which, this Court is of the considered view that the petitioner society need not provide any information to the first respondent and in turn, the first respondent cannot call upon the petitioner society, who is not the public authority and not amenable under the Right to Information Act to provide those information. Thus, the impugned order dated 05.09.2019 passed by the first respondent is liable to be set aside. Accordingly, the same is hereby set aside.

In the result, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

02-03-2026

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

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To:

The Deputy Registrar of Cooperative Societies
(Public Distribution System)/Public Information
Officer,
Cooperative Office Campus,
Mohan Kumaramangalam Road,
Surampatti,
Erode – 9.



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KRISHNAN RAMASAMY J.

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