

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 10070 OF 2008 AND WRIT APPEAL NO.270 OF 2010

WRIT PETITION NO: 10070 OF 2008

Between:

Accountants General Office Cooperative Housing Society, Limited, a Society registered under the A.P. Cooperative Societies Act, having its Office at AGs Office Opp. Telephone Bhavan, Saifabad, Hyderabad, Rep. by its Chairman of Persons-in-Charge Committee

...PETITIONER

AND

1. The State of Andhra Pradesh, Department of Law and Legislative Affairs, Secretariat, Saifabad, Rep. by the Principal Secretary.
2. Andhra Pradesh Information Commission, HACA Bhavan, Opp. Public Gardens, Hyderabad-500 004 Rep. by the Assistant Secretary.
3. The Divisional Cooperative Officer-Cum-Public, Information Officer, Secunderabad Division, Nampally Station Road, Hyderabad.
4. M. Gurudevaiah, S/o. Not known to the petitioner Major, Assistant Accounts Officer, Funds-18 Accountants General (A and E) Office, Opp. Telephone Bhavan, Saifabad, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ of Mandamus or other appropriate order or direction in the nature of writ declaring the order dt. 16-4-2008 in Appeal No. 1494/SIC-ASR-2008 and letter dt. 10-4-2008 bearing No. 368/08-RTI issued by respondents 2 and 3 respectively as arbitrary and without jurisdiction and non est in the eye of law and consequently restrain the respondents from acting upon the same in the interest of justice

I.A. NO: 1 OF 2008(WPMP. NO: 13244 OF 2008)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order dt. 16-4-2008 in Appeal no. 1494/SIC-ASR-2008 marked as Ex. P-2 and letter dt. 10-4-2008 bearing No. 368/08-RTI marked as Ex.P-3 issued by respondents 2 and 23 respectively pending disposal of the above writ petition in the interest of justice

Counsel for the Petitioner:SRI. B NALIN KUMAR

Counsel for the Respondent NO.1: SRI HERUR RAJESH KUMAR GP FOR LAW & LEGISLATIVE AFFAIRS

Counsel for the Respondent NO.2: ---

Counsel for the Respondent No.3: GP FOR COOPERATION

Counsel for the Respondent No.4: MRS. KALPANA EKBOTE

WRIT APPEAL NO: 270 OF 2010

Writ Appeal under clause 15 of the Letters Patent against the order dated 5-2-2010 in WP No. 9418/2008 on the file of the High Court.

Between:

Sri Bhavana Rishi Coop. House Building Society, (TBC No.273), Kapra, Ranga Reddy Dist. having its Office at H.No. 1-8-522/35/C, 1st floor, Chikkadpally, Hyderabad rep. by its President P.V.Ramanaiah.

...APPELLANT

AND

1. A P Information Commission, HACA Bhavan, Opp Public GArdens, Hyderabad, rep. by its State Information Commissioner.
2. B.Lakshmana Rao, S/o.Lakshmi Narasaiah R/o.H.No.1-4-27/7/103, Padmashali Colony, Hyderabad.

...RESPONDENTS

I.A. NO: 1 OF 2010(WAMP. NO: 604 OF 2010)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the order dated 8-4-2008 passed in Appeal No. 1276/SIC-ASR/2008 on the file of the 1st respondent, pending disposal of the WA No. 2010

I.A. NO: 2 OF 2010(WAMP. NO: 1621 OF 2010)

Between:

B.Lakshmana Rao, S/o.Lakshmi Narasaiah aged about 66 years, occ: Retd.
Government Employee, R/o.H.No.1-4-27/71/103, Padmashali Colony,
Hyderabad.

...PETITIONER/RESPONDENT 2

AND

1. Sri Bhavana Rishi Coop. House Building Society, (TBC No.273), Kapra,
Ranga Reddy Dist. having its Office at H.No. 1-8-522/35/C, 1st floor,
Chikkadpally, Hyderabad rep. by its President P.V.Ramanaiah.

...RESPONDENT/PETITIONER

2. A P Information Commission, HACA Bhavan, Opp Public Gardens,
Hyderabad, rep. by its State Information Commissioner.

...RESPONDENT/RESPONDENT

Petition under Section 151 CPC praying that in the circumstances stated in
the affidavit filed in support of the petition, the High Court may be pleased to
vacate the interim orders dt. 20-04-10 in WA No. 270/10

Counsel for the Appellant:SRI. A SANTHOSH KUMAR

Counsel for the Respondent No.1: SRI MOHSINA PARVEEN(SC FOR A.P IC)

Counsel for the Respondent no.2: ---

The Court made the following: COMMON ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.10070 of 2008 and Writ Appeal No.270 of 2010

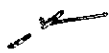
COMMON ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. B.Nalin Kumar, learned Senior Counsel for the petitioner/appellant.

Mr. Herur Rajesh Kumar, learned Government Pleader for Law and Legislative Affairs Department appears for respondent No.1.

2. On admitted facts, the issue which arises for consideration in this writ petition as well as writ appeal is, whether a cooperative society registered under the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the 1964 Act') is 'public authority' within the meaning of Section 2(h) of the Right to Information Act, 2005 (for short 'the RTI Act').

3. For facility of reference, facts in the writ petition are being referred.



4. The petitioner is a cooperative society registered under the provisions of the 1964 Act. The petitioner-society has been constituted with the object of providing house sites to its members under which, the society developed a venture at Gundla Pochampally. Respondent No.4, who is a member of the cooperative society, submitted an application under the RTI Act, on 25.07.2007, seeking information with regard to the project undertaken by the petitioner. The Divisional Cooperative Officer –cum- Public Information Officer (respondent No.3 in the writ petition), by an order dated 16.04.2008, directed the petitioner to furnish the information to respondent No.4. In the aforesaid factual background, the petitioner has assailed the validity of the order dated 16.04.2008.

5. We have heard learned counsel for the petitioner/appellant.

6. The issue involved in this writ petition and the writ appeal is no longer *res integra* and has been answered by the Supreme Court in **Thalappalam Service Cooperative Bank Limited v. State of Kerala**¹. The Supreme Court has held that a society registered under the 1964 Act does not fall within the definition of 'public authority' under Section 2(h) of the RTI Act if it is not owned, controlled or substantially financed by the State Government. In the instant case, the society in question is neither controlled nor financed by the appropriate Government.

7. In view of aforesaid enunciation of law, it is evident that the petitioner/appellant is not a 'public authority' within the meaning of Section 2(h) of the RTI Act. Therefore, the order dated 16.04.2008, passed by the Divisional Cooperative Officer –cum- Public Information officer (respondent No.3 in the writ petition) as well as the order dated 05.02.2010, passed by the learned Single Judge in W.P.No.9418 of 2008, are set aside.

¹ (2013) 16 SCC 82

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8. In the result, the Writ Appeal as well as the Writ Petition are allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble the Chief Justice UJJAL BHUYAN, Monday, The Nineteenth Day Of August Two Thousand And Twenty Four

**SD/- K. SRINIVASA RAO
JOINT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretariat, Department of Law and Legislative Affairs, Saifabad, Rep. by the Principal Secretary.
2. The Assistant Secretary, Andhra Pradesh Information Commission, HACA Bhavan, Opp. Public Gardens, Hyderabad-500 004
3. The Divisional Cooperative Officer-Cum-Public, Information Officer, Secunderabad Division, Nampally Station Road, Hyderabad.
4. A P Information Commission, HACA Bhavan, Opp Public Gardens, Hyderabad, rep. by its State Information Commissioner.
5. One CC to SRI. B NALIN KUMAR Advocate [OPUC]
6. One CC to SRI. A SANTHOSH KUMAR Advocate [OPUC]
7. One CC to SRI MOHSINA PARVEEN(SC FOR A.P IC) [OPUC]
8. Two CCs to GP FOR COOPERATION , High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CCs to GP FOR LAW & LEGISLATIVE AFFAIRS ,High Court for the State of Telangana. [OUT]
10. One CC to SRI. KALPANA EKBOTE Advocate [OPUC]
11. Two CD Copies

KKS
KKS



HIGH COURT

DATED:19/08/2024



COMMON ORDER

WP.No.10070 of 2008 AND WA.NO.270 OF 2010

**ALLOWING THE WRIT PETITION & WRIT APPEAL
WITHOUT COSTS**

(15) VW
30/9/24