

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2022

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.5805/2015(GM-RES)

C/W

**WRIT PETITION NOS.27031/2014, 5804/2015,
5806/2015, 5807/2015, 5808/2015 (GM-RES)**

IN W.P.NO.5805/2015:

BETWEEN:

MALNAD TECHNICAL EDUCATION SOCIETY (R),
SALAGAME ROAD,
HASSAN-573 201.
REPRESENTED BY ITS SECRETARY.

...PETITIONER

(BY SRI. MANMOHAN P N, ADVOCATE)

AND:

1. KARNATAKA INFORMATION COMMISSION
NO.14/3, FIRST FLOOR,
SRI ARAVIND BHAVAN, (MYTHIC SOCIETY)
NRUPATHUNGA ROAD, BANGALORE-575 001.
REPRESENTED BY ITS REGISTRAR.
2. SRI.B.N.NAGARAJ,
S/O LATE NARASEGOWDA,
MAJOR,
R/AT BASATTI KOPPALU,
HASSAN - 573 201.
3. DISTRICT REGISTRAR
STAMPS AND REGISTRATION DEPARTMENT,
NEAR BASAVESHWARA KALYAN MANTAP,
HASSAN-573 201.

... RESPONDENTS

(BY SRI.G.B.SHARATH GOWDA, ADVOCATE FOR R1;
SRI.B.V.KRISHNA, AGA FOR R3;
R2 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ORDER DTD.18.12.2014 PASSED BY THE R-1 VIDE ANNEX-J AND CONSEQUENTLY DISMISS KIC1238PTN2013.

IN W.P.NO.27031/2014:

BETWEEN:

MALNAD TECHNICAL EDUCATION SOCIETY (R)
SALAGAME ROAD,
HASSAN-573201
REPRESENTED BY ITS SECRETARY

...PETITIONER

(BY SRI.MANMOHAN P N, ADVOCATE)

AND:

1. KARNATAKA INFORMATION COMMISSION
NO.14/3, FIRST FLOOR,
SRI ARAVIND BHAVAN, (MYTHIC SOCIETY)
NRUPATHUNGA ROAD, BANGALORE-575 001.
REPRESENTED BY ITS REGISTRAR.
2. SRI. S P SATISH,
FATHERS NAME NOT KNOWN TO THE PETITIONER,
AGE NOT KNOWN TO THE PETITIONER,
NO.5/1, 2ND FLOOR, SLN MHALA,
LINK ROAD, 3RD CROSS, MALLESHWARAM,
BANGALORE-560 003.
3. DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETY
JANATA BAZAR BUILDING, KUVEMPUNAGAR,
HASSAN DISTRICT-573 201.
4. JOINT REGISTRAR OF CO OPERATIVE SOCIETIES,
MYSORE DIVISION, MYSORE-570 001.
5. DISTRICT REGISTRAR
STAMPS AND REGISTRATION DEPARTMENT
NEAR BASAVESHWARA KALYAN MANTAP,
HASSAN-573 201.

... RESPONDENTS

(BY SRI.G.B.SHARATH GOWDA, ADVOCATE FOR R1;
SRI.B.V.KRISHNA, AGA FOR R3 TO R5;
NOTICE TO R2 IS HELD SUFFICIENT
V.C.O DATED 20.06.2014)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 28.4.2014 PASSED BY THE R-1 VIDE ANN-G AND QUASH THE COMMUNICATION DATED 19.5.2014 ISSUED BY THE R-5 VIDE ANN-H.

IN W.P.NO.5804/2015:

BETWEEN:

MALNAD TECHNICAL EDUCATION SOCIETY (R)
SALAGAME ROAD,
HASSAN-573201
REPRESENTED BY ITS SECRETARY

...PETITIONER

(BY SRI.MANMOHAN P N, ADVOCATE)

AND:

1. KARNATAKA INFORMATION COMMISSION
NO.14/3, FIRST FLOOR,
SRI ARAVIND BHAVAN, (MYTHIC SOCIETY)
NRUPATHUNGA ROAD, BANGALORE-575 001.
REPRESENTED BY ITS REGISTRAR
2. SRI. M D VENKATESH,
FATHERS NAME NOT KNOWN TO THE PETITIONER
MAJOR, ADVOCATE,
LEGAL POINT, CORPORATION BANK BUILDING,
2ND FLOOR, HOLENARASIPURA ROAD,
HASSAN-573 201.
3. DISTRICT REGISTRAR
STAMPS AND REGISTRATION DEPARTMENT
NEAR BASAVESHWARA KALYAN MANTAP,
HASSAN-573 201.

... RESPONDENTS

(BY SRI. G.B.SHARATH GOWDA, ADVOCATE FOR R1;
SRI. B.V.KRISHNA, AGA FOR R3;
R2 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ORDER DTD.18.12.2014 PASSED BY THE R-1 IN CASE NO.KIC.1007.PTN.2013 VIDE ANNEX-J AND CONSEQUENTLY DISMISS KIC.1007.PTN.2013

IN W.P.NO.5806/2015:**BETWEEN:**

MALNAD TECHNICAL EDUCATION SOCIETY (R)
SALAGAME ROAD,
HASSAN-573 201.
REPRESENTED BY ITS SECRETARY

...PETITIONER

(BY SRI. MANMOHAN P N, ADVOCATE)

AND:

1. KARNATAKA INFORMATION COMMISSION
NO.14/3, FIRST FLOOR,
SRI ARAVIND BHAVAN, (MYTHIC SOCIETY)
NRUPATHUNGA ROAD, BANGALORE-575 001.
REPRESENTED BY ITS REGISTRAR.
2. SRI. S P SATISH,
FATHERS NAME NOT KNOWN TO THE PETITIONER,
AGE NOT KNOWN TO THE PETITIONER,
NO.5/1, 2ND FLOOR, SLN MAHAL,
LINK ROAD, 3RD CROSS, MALLESHWARAM,
BANGALORE-560 003.
3. JOINT REGISTRAR OF CO OPERATIVE SOCIETIES,
MYSORE DIVISION,
MYSORE-570 001.
4. DISTRICT REGISTRAR OFFICER
STAMPS AND REGISTRATION DEPARTMENT
NEAR BASAVEASHWARA KALYAN MANTAP,
HASSAN-573 201.

... RESPONDENTS

(BY SRI.G.B.SHARATH GOWDA, ADVOCATE FOR R1;
SRI. B.V.KRISHNA, AGA FOR R3 & R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 18.12.2014 PASSED BY THE R-1
VIDE ANN-K AND CONSEQUENTLY DISMISS
KIC11683PTN2012

IN W.P.NO.5807/2015:**BETWEEN:**

MALNAD TECHNICAL EDUCATION SOCIETY (R)
SALAGAME ROAD,
HASSAN-573 201.
REPRESENTED BY ITS SECRETARY

...PETITIONER

(BY SRI.MANMOHAN P N, ADVOCATE)

AND:

1. KARNATAKA INFORMATION COMMISSION
NO.14/3, FIRST FLOOR,
SRI ARAVIND BHAVAN, (MYTHIC SOCIETY)
NRUPATHUNGA ROAD, BANGALORE-575 001.
REPRESENTED BY ITS REGISTRAR.

2. SRI. M D VENKATESH,
FATHERS NAME NOT KNOWN TO THE PETITIONER
MAJOR, ADVOCATE,
LEGAL POINT, CORPORATION BANK BUILDING,
2ND FLOOR, HOLENARASIPUR ROAD,
HASSAN-573 201.

3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
MYSORE DIVISION, MYSORE - 570 001.

... RESPONDENTS

(BY SRI.G.B.SHARATH GOWDA, ADVOCATE FOR R1;
SRI.B.V.KRISHNA, AGA FOR R3;
R2 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 18.12.2014 PASSED BY THE R-1
VIDE ANN-G AND CONSEQUENTLY DISMISS
KIC10947PTN2012

IN W.P.NO.5808/2015:**BETWEEN:**

MALNAD TECHNICAL EDUCATION SOCIETY (R)
SALAGAME ROAD, HASSAN-573 201.
REPRESENTED BY ITS SECRETARY

...PETITIONER

(BY SRI.MAMMOHAN P.N., ADVOCATE)

AND:

1. KARNATAKA INFORMATION COMMISSION
NO.14/3, FIRST FLOOR,
SRI ARAVIND BHAVAN, (MYTHIC SOCIETY)
NRUPATHUNGA ROAD, BANGALORE-575 001.
REPRESENTED BY ITS REGISTRAR.

2. SRI. PRASAD B R,
FATHERS NAME NOT KNOWN TO THE PETITIONER,
MAJOR,
R/A NO.103, S L N TEMPLE ROAD,
KOTE ARAKALGUD,
HASSAN-573 102.

... RESPONDENTS

(BY SRI.G.B.SHARATH GOWDA, ADVOCATE FOR R1;
SRI. H.S.SURESH, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DT.18.12.2014 PASSED BY THE R-1 VIDE
ANNX-G AND CONSEQUENTLY DISMISS KIC5687PTN2012.

THESE PETITIONS COMING ON FOR PRELIMINARY
HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE
FOLLOWING:-

ORDER

In all these petitions, the essential question of law
arises as under:

"Whether the societies and the
educational institutions (aided) run by the
societies are *subject* to Right to Information
Act, 2005?

2. After service of notice, the respondents
having entered appearance submit that wherever the
educational institutions run by the societies are aided by

the State, they cease to be 'private bodies' which otherwise would not fall within the precincts of the 2005 Act and if aided, that would metamorphoses them into public authorities as defined under Section 2(b) of the thereof. In support of these rival contentions, both the sides bank upon decision of the Apex Court in THALAPPALAM SR. COOP.BANK LTD & OTHERS, vs. STATE OF KERALA & OTHERS, 2013 SCC OnLine SC 915 and a Division Bench decision of this Court in R NARAYANAMURTHY v. POORNAPRAGANA HOUSE BUILDING COOPERATIVE SOCIETY & OTHERS, 2013 SCC OnLine Kar 9062.

3. Having heard the learned counsel for the parties and having perused the petition papers, this Court is of a considered opinion that the question raised before this Court being mixed question of law & facts, needs to be addressed by the respondent - Commission after hearing both the sides and in accordance with law. With this course of action, the Bar does not have any divergence.

In the above circumstances, these petitions are allowed in part; impugned orders are set at naught; the matters are remitted to the first respondent - Commission for consideration afresh after giving an opportunity of hearing to both the sides and in accordance with law. The remand shall be heard & decided within a period of three months, all contentions of the parties are kept open. It is open to the Commission to raise other questions if need be.

The parties are put to notice through their advocates to appear before the Commission on 22.08.2022 and seek further instructions at its hands.

No costs

**Sd/-
JUDGE**

Bsv