



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 13336 OF 2018 (GM-RES)

BETWEEN:

CENTURY CLUB
CUBBON PARK
BANGALORE
REP BY ITS SECRETARY
MR A D ARJUN

...PETITIONER

(BY SRI. M.S. RAJENDRA., ADVOCATE)

AND:

1. SRI.S. UMAPATHY
MAJOR,
NO.7602, SHOBA RUBY APARTMENTS
TUMKUR MAIN ROAD
NAGASANDRA
BANGALORE-560073.

2. THE KARNATAKA INFORMATION COMMISSION
3RDFLOOR, GATE NO.2
MULTI-STORIED BUILDING
BENGALURU-560001

...RESPONDENTS

(BY SRI. S UMAPATHY ., PARTY-IN-PERSON FOR C/R1;
SRI. G.B. SHARATH GOWDA., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION QUASHING THE ORDER DATED 14.3.2018 PASSED BY THE KARNATAKA INFORMATION COMMISSION, 2ND RESPONDENT IN KIC. 6921.PTN / 2013 VIDE ANNEX-G AND ETC.





THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

- a. Issue a writ of certiorari or any other order or direction quashing the order dated 14.03.2018 passed by the Karnataka Information Commission, 2nd respondent in KIC.6921.PTN/2013 (Annexure-G).*
- b. Direct the respondents to pay the cost of this petition and grant such other and further reliefs as are just.*

2. The petitioner is a society registered under the Provisions of the Karnataka Societies Registration Act, 1960 [hereinafter referred to as KSR Act]. As per the petitioner itself, the petitioner club was started by His Highness Maharaja of Mysore Shri Narasimha Raja Wodeyar and Sir M. Visveswaraya. The petitioner club was granted 7.5 acres of land by the then Maharaja of Mysore in the year 1913 for the



activities of the petitioner, pursuant to which the said land stood vested in the petitioner club and has been used thereafter for the purpose of carrying out its activities.

3. Respondent No.1, a private person had submitted an application to the petitioner under Subsection (1) of Section 6 of the Right to Information Act, 2005, [hereinafter referred to as 'RTI Act'] seeking a certified copy of the list of records duly catalogued and indexed as required to be maintained under clause (a) of Subsection (1) of Section 4 and as certified under clause (b) of Subsection (1) of Section 4.
4. The petitioner club by way of letter dated 19.11.2012 informed respondent No.1 that the petitioner is not a public authority as defined under Subsection (4) of Section 2 and therefore there is no requirement for the petitioner club to furnish the said information to



respondent No.1 on an application being made under the RTI Act.

5. In pursuance thereof, respondent No.1 filed a complaint with respondent No.2-Karnataka Information Commission on 26.06.2013 under Subsection (1) of Section 18 of the RTI Act, which came to be numbered as KIC 6921.PTN/2013 alleging that the information which is required to be furnished by the petitioner has not been so furnished, and as such, a direction may be issued to the petitioner club to furnish the said documents and information. It was further stated that the Maharaja of Mysore having provided a free grant of 7.5 acres of land amounts to substantial indirect finance by the State and therefore, the petition would be covered under the RTI Act and as such, a claim was made that an adjudication be made that the petitioner is a public authority under clause (h) of Section 2 of the RTI Act.



6. Notice having been issued to the petitioner, the petitioner appeared and contended that the petitioner is not a public authority under the Act. The State Information Commission has no jurisdiction to entertain the complaint. Though the land had been granted by the then Maharaja of Mysore, the same cannot be construed as substantially financing the petitioner, the petitioner being an independent Society, registered under the KSR Act, 1960, it cannot come within the purview of the RTI Act.
7. The said contentions were rejected by respondent No. 2 and respondent No.2 vide its order dated 14.03.2018 at Annexure-G, directed the information to be furnished. It is challenging the same, the petitioner is before this Court seeking the aforesaid reliefs.
8. Sri.Rajendra M.S., learned counsel for the petitioner, would submit that the respondent No.2- Authority has not considered the matter from a proper



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perspective. His submission is that merely because there is a grant of land made by the Maharaja of Mysore, the same would not amount to substantial financing by the State as regards the activities of the petitioner. In this regard, he relies upon the decision of the Hon'ble Apex Court in **Thalappalam Service Cooperative Bank Limited and others -v- State of Kerala and others**¹ more particularly paragraphs 46, 48 and 50 thereof, which are reproduced hereunder for easy reference:

46. *The words "substantially financed" have been used in Sections 2(h)(d)(i) and (ii), while defining the expression public authority as well as in Section 2(a) of the Act, while defining the expression "appropriate Government". A body can be substantially financed, directly or indirectly by funds provided by the appropriate Government. The expression "substantially financed", as such, has not been defined under the Act. "Substantial" means "in a substantial manner so as to be substantial". In *Palser v. Grinling* [1948 AC 291 : (1948) 1 All ER 1 (HL)] , while interpreting the provisions of Section 10(1) of the Rent and Mortgage Interest Restrictions Act, 1923, the House of Lords held that "substantial" is not the same as "not unsubstantial" i.e. just enough to avoid the *de minimis* principle. The word "substantial" literally means solid, massive, etc. The legislature has used the expression "substantially financed" in Sections 2(h)(d)(i) and (ii) indicating that the degree of financing must be actual, existing, positive and real to a substantial extent, not moderate, ordinary, tolerable, etc.*

¹ 2013 16 SCC 82



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48. *Merely providing subsidies, grants, exemptions, privileges, etc. as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist. The State may also float many schemes generally for the betterment and welfare of the cooperative sector like deposit guarantee scheme, scheme of assistance from Nabard, etc. but those facilities or assistance cannot be termed as "substantially financed" by the State Government to bring the body within the fold of "public authority" under Section 2(h)(d)(i) of the Act. But, there are instances, where private educational institutions getting ninety-five per cent grant-in-aid from the appropriate Government, may answer the definition of public authority under Section 2(h)(d)(i).*

50 *The burden to show that a body is owned, controlled or substantially financed or that a non-government organisation is substantially financed directly or indirectly by the funds provided by the appropriate Government is on the applicant who seeks information or the appropriate Government and can be examined by the State Information Commission or the Central Information Commission, as the case may be, when the question comes up for consideration. A body or NGO is also free to establish that it is not owned, controlled or substantially financed directly or indirectly by the appropriate Government.*

9. By relying on **Thalappalam Service Cooperative Bank Limited's** case, he submits that the test for substantial financing would be only if such funding were made to a substantial extent and unless the record shows that the funding was so substantial to the body that such body practically runs by such



funding, but for such funding it would struggle to exist. His submission is that, as the members of the petitioner club make payment of the due amounts, the club is run by such payments, and as such, there is no dependency of the petitioner club on any funding. Insofar as land is concerned, he submits that land was granted to the petitioner club by the then Maharaja of Mysore, who was also the Patron-in-Chief of the petitioner club. The contribution made by the Patron-in-Chief cannot be said to be a grant of a government largesse, and as such, he submits by relying on the aforesaid decision in **Thalappalam Service Cooperative Bank Limited's** case that the requirements of law not having been established, no direction could have been issued by respondent No.2.

10. Sri S.Umapathy, Respondent No.1 -party in person would submit that the land is being utilized by the club and without the land, the club could not be in existence, therefore, the very existence of the club



being on the basis of the land which had been granted, there is substantial funding made by the then Maharaja of Mysore in the year 1913 before the independence of the country and before the formation of the State of Karnataka. The Maharaja, being the Head of the Princely State, any grant made is on behalf of the government, and as such, the tests in **Thalappalam Service Cooperative Bank Limited's** case are satisfied. He therefore submits that the petition is liable to be dismissed.

11. Sri. G.B.Sharath Gowda, counsel for respondent No.2, by relying on the decision of the Hon'ble Apex Court in **DAV College Trust and Management Society & Ors. Vs. Director of Public Instruction**² more particularly para 26 thereof which is reproduced hereunder for easy reference:

26. *In our view, "substantial" means a large portion. It does not necessarily have to mean a major portion or more than 50%. No hard-and-fast rule can be laid down in this regard. Substantial financing can be both direct or indirect. To give an example, if a land in a city is given free of cost or on*

² (2019) 9 SCC 185



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heavy discount to hospitals, educational institutions or such other body, this in itself could also be substantial financing. The very establishment of such an institution, if it is dependent on the largesse of the State in getting the land at a cheap price, would mean that it is substantially financed. Merely because financial contribution of the State comes down during the actual funding, will not by itself mean that the indirect finance given is not to be taken into consideration. The value of the land will have to be evaluated not only on the date of allotment but even on the date when the question arises as to whether the said body or NGO is substantially financed.

12. By relying on **D.A.V. college Trust's** case, he submits that whenever any land is granted, it is the value of the land as on the date of consideration of the application which should be required to be taken into consideration. In the present case, if the value of the land as on today is taken into consideration, the land being 7.5 acres located in the centre of the city, the same would be substantial in nature and would subsume the entire valuation of the petitioner club other than the land, and therefore, he submits that there is more than substantial contribution by way of the said grant made.



13. Heard Sri.M.S.Rajendra, learned counsel for the petitioner, Sri.S.Umapathy, respondent No.1-party in person and Sri.G.B.Sharath Gowda, learned counsel for respondent No.2. Perused papers.
14. The short question that would arise for consideration in the present matter is
- “Whether the grant of land on which the petitioner club is situated would amount to a substantial contribution of financing by the State, though made by the then Maharaja of Mysore, for making the RTI Act applicable to the petitioner?”**
15. It is not in dispute that the Maharaja of Mysore was the patron-in-chief of the petitioner club. It is also not in dispute that the said Maharaja had granted 7.5 acres of land in the year 1913 for the activities of the petitioner-club. It is further not in dispute that, as regards the said land, there is no payment which has



- been made by the petitioner-club to the Maharaja of Mysore or the Kingdom of Mysore.
16. The land grant in question is for land that belongs to the Kingdom of Mysore, and no specific document has been placed on record to indicate that the said land belonged personally to the Maharaja of Mysore. The grant made in the name of the Maharaja of Mysore would also indicate that it is not the personal property of the Maharaja of Mysore.
17. It is this land of 7.5 acres, which is situated abutting the Cubbon Park, which has been used for the purpose of establishing the petitioner club, and apart from this land, the petitioner club is not established in any other land belonging to the petitioner club or otherwise. Suffice it to say that the petitioner in its entirety is situated on the aforesaid granted land by the Maharaja of Mysore. The activities of the club are recreational activities for its members in terms of establishing sports and leisure activities, as also by



- establishing entertainment and other activities for the benefit of its members, all these benefits provided by the club can only be enjoyed by its members by visiting the premises of the club which is situated in the aforesaid 7.5 acres of land. Thus, without this land, the very existence of the petitioner club would fall into doubt inasmuch as no activities of the petitioner club could be carried out without this land being available to the petitioner.
18. Though learned counsel for the petitioner has submitted that day-to-day activities, expenses, maintenance, etc., are carried out from the contribution of the members, the fact still remains that without the land, the activities of the petitioner club could not be run. That apart, by taking into consideration the submission of Sri.Sharath Gowda, who has relied upon ***D.A.V. college Trust's case***, if the valuation of the land of 7.5 acres as on today is taken into consideration, the same would run into



hundreds of crores if not thousands, the contribution made by the members of the petitioners-club, as membership fees or any other head of account pales into insignificance. In that view of the matter, it is clearly and categorically established that there is a substantial contribution made by the State. i.e., the erstwhile Kingdom of Mysore, through the Maharaja of Mysore, who granted 7.5 acres of land to the petitioner-club in 1913, thereby making the provisions of the RTI Act applicable. I do not therefore, find any infirmity in the order passed by respondent No. 2, the Karnataka Information Commission.

19. I answer the point raised by holding that the grant of land on which the petitioner club is situated would amount to a substantial contribution of financing by the State, made by the then Maharaja of Mysore, for making the RTI Act applicable to the petitioner club.



20. No grounds being made of the petition stands
dismissed.

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

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List No.: 1 Sl No.: 62