

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT APPEAL NO.1351 OF 2025 (GM-RES)

BETWEEN:

CENTURY CLUB
A SOCIETY REGISTERED UNDER
THE KARNATAKA SOCIETIES
REGISTRATION ACT, 1960
HAVING ITS REGISTERED OFFICE
AT NO.1, CUBBON PARK
BENGALURU-560 001
REPRESENTED BY ITS SECRETARY.

...APPELLANT

(BY SRI PRASHANTH MURTHY S.G., ADVOCATE)

AND:

1. SRI S. UMAPATHY
MAJOR
NO.7602, SHOBA RUBY APARTMENTS
TUMKUR MAIN ROAD
NAGASANDRA
BENGALURU-560 073.
2. THE KARNATAKA INFORMATION COMMISSION
A STATUTORY BODY CONSTITUTED
UNDER THE PROVISIONS OF
RIGHT TO INFORMATION ACT, 2005
AT 3RD FLOOR, GATE NO.2
MULTI-STORIED BUILDING
BENGALURU-560 001.

...RESPONDENTS

(BY SRI S. UMAPATHY, R-1, PARTY-IN-PERSON, &
SRI SHARATH GOWDA G.B., ADVOCATE, FOR R-2)

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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 8-7-2025 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.13336 OF 2018 (GM-RES) AND BE PLEASED TO ALLOW THE WRIT PETITION IN THE INTEREST OF JUSTICE.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 17-6-2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, THE **VENKATESH NAIK T. J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

This appeal is filed by the appellant-Century Club challenging the order of dismissal dated 08.07.2025 passed by the learned Single Judge in Writ Petition No.13336 of 2018 (GM-RES).

2. The brief facts of the appellant's case are as under:

The appellant is a Society registered under the provisions of the Karnataka Societies Registration Act, 1960, having its registered Office at No.1, Cubbon Park, Bengaluru (hereinafter referred to as 'Century Club'). The Century Club was started by His Highness Maharaja of Mysuru, Sri Narasimha Raja Wodeyar, and

Sir M. Visveswaraya. The Century Club was granted 7.5 acre of land by the then Maharaja of Mysuru in the year 1913 for the activities of the appellant, pursuant to which the said land stood vested in the appellant and has been used thereafter for the purpose of carrying out its activities.

3. The present proceedings arise by virtue of the impugned order which holds that the Century Club is a 'Private Authority' under the provisions of the Right to Information Act, 2005, (for short, 'RTI Act') and the consequences that follows. Respondent No.1 had filed an application dated 11.12.2012 seeking for certain information under Section 6 of the RTI Act. In response to the said application, the Century Club has replied with an endorsement dated 19.12.2012 stating that the Century Club is not a 'Public Authority' as defined under Section 2(h) of the RTI Act. Therefore, respondent No.1 instituted a complaint dated 26.06.2013 under Section 18 of the RTI Act bearing KIC No.6921 PTN/2013 before respondent No.2 seeking *inter alia* the following reliefs:

i. To declare the appellant as 'Public Authority' as per Section 2(h) of the RTI Act.

ii. Direct the appellant to discharge the duties under the RTI Act including appointment of the Public Information Officer and the First Appellate Authority.

4. In the said complaint, it was *inter alia* the contention of respondent No.1 that the Century Club activities are not disclosed to the general public since the entry is restricted only to few members. It is the case of respondent No.1 that since in the year 1913, the Government of Karnataka had granted 7.5 acre of land free of cost for the development of the Century Club, the same would amount to being funded or substantially financed by the State Government, and hence, the provisions of the RTI Act would be applicable to the Century Club.

5. Further to the said complaint, the Century Club filed its statement of objections and contended that there are no merits in the complaint and the same is liable to be

rejected. Even though the land is granted by the erstwhile Maharaja of Mysuru in 1913 as a largesse of an imperial sovereign, the Century Club does not receive any fund, grants, or subsidies from the Government in order to bring the Century Club within the ambit of 'Public Authority' as per the provisions of the RTI Act. Therefore, the Century Club also questioned the jurisdiction of respondent No.2 to grant declaratory reliefs as sought by respondent No.1 in his complaint, as no such powers rest with respondent No.2 under the statute.

6. After hearing the parties, respondent No.2 passed the order dated 04.10.2017 holding that the Century Club is a 'Public Authority' under the provisions of the RTI Act and consequently, directed the Registrar of Co-operative Society to issue a notification in this regard under Section 19(8)(a) of the RTI Act for the appointment of a Public Information Officer. Respondent No.2 assigned reasons that the land was granted by the Government of Mysuru on 27.10.1913 free of cost. This being the admitted position, the same would amount to 'substantial finance'

by the Government. Hence, the Century Club is qualified as a 'Public Authority' under the provisions of the RTI Act. Further, respondent No.2 assigned reason that the Century Club is enjoying the grant of land without payment of any rent, lease or any other amount to the Government and the same resulted in huge loss to the State exchequer.

7. Being aggrieved by the order passed by respondent No.2, the Century Club preferred Writ Petition No.13336 of 2018 (GM-RES) before the learned Single Judge. The learned Single Judge dismissed the said writ petition by upholding the order of respondent No.2 and while dismissing the writ petition, the learned Single Judge has relied upon the decisions of the Hon'ble Apex Court in the case of ***THALAPPALAM SERVICE COOPERVATIVE BANK LIMITED AND OTHERS v. STATE OF KERALA AND OTHERS*** reported in ***(2013) 16 SCC 82*** and ***D.A.V. COLLEGE TRUST AND MANAGEMENT SOCIETY AND OTHERS v. DIRECTOR OF PUBLIC INSTRUCTIONS***

AND OTHERS reported in **(2019) 9 SCC 185**. Hence, this appeal.

8. We have heard Sri Prashanth Murthy S.G., learned counsel for the appellant, Sri S. Umapathy, respondent No.1-party-in-person, and Sri Sharath Gowda G.B., learned counsel for respondent No.2.

9(a). Learned counsel for the appellant has vehemently contented that the learned Single Judge ought to have appreciated that the Century Club does not satisfy any of the four limbs under the first part of the definition of 'Public Authority' under Section 2(h) of the RTI Act. Firstly, it is not an Authority or body established by or under the Constitution, as it owes its origin to neither a constitutional text, nor any constitutional scheme. Secondly, it is not a body established by any law made by the Parliament as it was not created through any enactment of the Central Government, but rather formed by private individuals and registered under the Mysore Societies Regulation No.III, 1904, which is an enabling

statute and not a constitutional one. Thirdly, the Century Club was not established by any law made by the State Legislature, as its formation was voluntary and contractual in nature by its Members, which is not traceable to any State Legislation conferring statutory status. Fourthly, there exists no notification or order issued by the appropriate Government establishing or constituting the Century Club as a public body or vesting it with any public duties. Thus, it is a Private Members Club functioning under its own rules and bye-laws without any governmental notification conferring upon it the character of a public institution. Thus, the Century Club falls entirely outside the purview of the first part of Section 2(h) of the RTI Act, and any attempt to artificially bring it within this framework would be contrary to the plain language of the statute and judicial interpretation thereof.

9(b). Learned counsel further contended that the Right to Information Act, 2005, was enacted with the primary objective of promoting transparency and accountability in the functioning of public authorities,

thereby enabling citizens to access information under the control of the State and its instrumentalities. One of the other objectives of the Act is to curb corruption and to hold governments and their instrumentalities accountable to the governed. The premise of the Act is also to uphold the paramountcy of the democratic ideal. However, the learned Single Judge ought to have appreciated that the scope of the RTI Act is limited to entities falling within the strict definition of 'Public Authority' under Section 2(h) of the RTI Act, which exhaustively lists specific categories and does not extend all private bodies merely based on historical or incidental Government association. It is further contended that, it is well settled law that the plain language of the provisions of an enactment must be interpreted to achieve its object and purpose. Therefore, while the RTI Act aims to ensure openness in public administration, its objectives do not warrant an overreach into autonomous private institutions operating outside the parameters of Section 2(h) of the RTI Act.

9(c). Learned counsel further contended that the learned Single Judge failed to notice that the Century Club does not perform any public functions or duties for the general public and hence, misconstrued the definition of 'Public Authority' under the Act. The learned Single Judge also failed to consider that a definition of a term in an enactment cannot be so expanded resulting in applying a statute to a set of circumstances or a person, to whom the legislature never intended the statute to apply to, in the first place.

9(d). In support of his submission, the learned counsel relied on the following decisions:

- i. Air Force Sports Complex (Afsc) v. Lt. Gen. SS Dahiya reported in 2024 SCC OnLine Del 6905;*
- ii. Lt. Gen. SS Dahiya (Retd.) v. Air Force Sports Complex and Others, in LPA 1180 of 2024 (DB);*
- iii. Batra Hospital and Medical Research Centre v. Central Information Commission and Another reported in 2018 SCC OnLine Del 8114;*

- iv. *Thalappalam Service Cooperative Bank Limited and Others v. State of Kerala and Others reported in (2013) 16 SCC 82;*
- v. *D.A.V. College Trust and Management Society and Others v. Director of Public Instructions and Others reported in (2019) 9 SCC 185, and*
- vi. *Union of India and Others v. Rabindra Singh reported in (2012) 12 SCC 787.*

9(e). On all these above grounds, the learned counsel prayed to set aside the order passed by the learned Single Judge.

10. Respondent No.1-party-in-person has vehemently contended that the Century Club has failed to establish a *prima-facie* case and the appeal lacks substantive merit. The assertions made by the Century Club are unfounded and do not hold up against established legal principles and judicial proceedings. He further contended that those entities receiving substantial benefits from the Government, whether directly or indirectly, can be classified as 'Public Authorities' under the RTI Act.

Therefore, the Century Club cannot attempt to differentiate its situation from that ruling is baseless and does not present any new legal arguments. Further, the Century Club has received substantial Governmental support in allotting 7.5 acre of land, that too, in the heart of Bengaluru, i.e. Cubbon Park. Thus, the Century Club comes within the ambit of the RTI Act, making it subject to public scrutiny. Further, any organisation receiving significant benefits from the Government, regardless of the time elapsed or the form of the benefit can be considered as a 'Public Authority'. This directly applies to the appellant's situation, where the historical grant of land and ongoing benefits imply substantial Government support. Further, he contended that respondent No.2 has the power and competent jurisdiction to entertain the complaint against the Century Club, despite the Century Club being a Private Members Club. As per Section 18 of the RTI Act, respondent No.2 is empowered to adjudicate matters related to the accessibility of information under the RTI Act. Further, respondent No.2 conducted a proper

inquiry and provided adequate opportunities for the Century Club. Therefore, the principles of natural justice were duly adhered to and the Century Club was given a fair opportunity of hearing. Further, respondent No.2 has correctly analysed the facts and law that the Century Club is substantially financed by the Government. The grant of 7.5 acre of land, even if made by the then Maharaja of Mysuru, constitutes substantial support. The timing of the grant does not negate its impact on the classification of the Century Club as 'Public Authority' under the RTI Act. Therefore, respondent No.2 has correctly noted that funding of the Century Club by Government provided resources, such as land grants, qualifies it as Public Authority under the RTI Act. Further, the learned Single Judge relying on the decisions of the Hon'ble Apex Court in the cases of **THALAPPALAM SERVICE COOPERVATIVE BANK LIMITED AND OTHERS** and **D.A.V. COLLEGE TRUST AND MANAGEMENT SOCIETY AND OTHERS** (*supra*) analysed the position of law and dismissed the writ

petition filed by the Century Club. Hence, respondent No.1 prays to dismiss the appeal.

11. In the present case, on 11.12.2012, respondent No.1 sought information under Section 4(1) of the RTI Act and sought for the following information:

- i. Certificate copy of List of Records duly catalogued and indexed as required to be maintained under Section 4(1)(a) of RTI Act-2005.*
- ii. Certificate copy of all information/Booklet as required to be published under Section 4(1)(b) of RTI Act.*

12. Accordingly, on 19-12-2012, the Century Club issued an endorsement as under:

"This has reference to your Application Ref.No.PIO/Century/44 dated 11-12-2012 seeking certain information under the Provisions of Right to Information Act, 2005. As our Club is not a 'Public Authority' as defined under Section 2(h) of the RTI Act, we write to inform you that the information sought by you is not being considered."

13. Therefore, on 3-7-2013, respondent No.1 filed a complaint to respondent No.2-Karnataka Information Commission under Section 18(1) of the RTC Act contending that the Century Club is considered as a private entity whose activities are not known to the general public since the entry to the Club is meant only for rich and affluent section of Society. However, if we see the funding and grants provided by the Government, the Century Club would be considered as Public Authority under the definition of Section 2(h) of the RTI Act. The State Government has granted land to an extent of 7.5 acre to the Century Club which was previously called as Cosmopolitan Club, free of cost, for the development of Club activities on certain conditions. Therefore, the grant of land to the Club is free of cost, which amounts to substantial indirect finance by the State Government. Hence, considering the grant of public land to the Club, free of cost, would be covered under the RTI Act for the reason of substantial finance by the Government. Accordingly, respondent No.1 requested respondent No.2

to declare the Century Club as 'Public Authority' under the RTI Act and also requested to appoint Public Information Officer and publish *suo motu* disclosure of information as required under Section 4(1)(b) of the Act.

14. Hence, it is just and necessary to analyse Section 4(1)(a) and (b) of the Right to Information Act, 2005, which reads as under:

4. Obligations of public authorities. —

(1) Every public authority shall.—

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

(b) publish within one hundred and twenty days from the enactment of this Act.-

(i) the particulars of its organisation, functions and duties;

(ii) the powers and duties of its officers and employees;

(iii) the procedure followed in the decision making process, including channels of supervision and accountability;

(iv) the norms set by it for the discharge of its functions;

(v) the rules, regulations, instructions, manuals and records, held by it or under its control; or used by its employees for discharging its functions;

(vi) a statement of the categories of documents that are held by it or under its control;

(vii) the particulars of any arrangement that exists for consultation with or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;

(viii) a statement of the boards, Councils, Committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, Councils, Committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

(ix) a directory of its officers and employees;

(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;

(xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;

(xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;

(xiii) particulars of recipients of concessions, permits or authorizations granted by it;

(xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed,

and thereafter update these publications every year."

15. The fact in issue clearly demonstrates that respondent No.1 sought certain information from the Century Club, but the Century Club has failed to furnish the information as it is not a 'Public Authority'.

16. Section 2(h) of the Right to Information Act, 2005, defines 'Public Authority' as under:

"2. Definitions.- *In this Act, unless the context otherwise requires.-*

*(h) **"Public Authority"** means any authority or body or institution of self-Government established or constituted-*

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government,

and includes any.-

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed,

directly or indirectly by funds provided by the appropriate Government."

17. As per Clause (d) of Clause (h) of Section 2 of the RTI Act, the appropriate Government can include an institution within the scope of 'Public Authority', provided that it is owned, controlled or substantially financed, directly or indirectly funded by the appropriate Government.

18. The law mandates that every citizen of this land has right to obtain information as per the provisions of the RTI Act. The primary aim of the RTI Act is that the Government of India enacted the Right to Information Act, 2005, which allows Indian citizens to obtain any information that the Government, or its institutions, have available to them, thereby increasing accountability between the State and the people and enhancing the process of democracy. The RTI Act provides a mechanism by which citizens may request access to records and information located within the Government. Admittedly, the RTI Act was enacted to promote transparency and

accountability in functioning of Public Authorities in order to strengthen the core constitutional values of a democratic republic.

19. Admittedly, the Century Club is situated on the land measuring 7.5 acre and it was granted by the then Maharaja of Mysuru on 27.10.1913, free of cost, and therefore, it is a non-Government organisation substantially financed by the funds provided by the appropriate Government. The land on which the Century Club is situated belongs to the public and therefore, the Century Club cannot enrich themselves at the cost of the public money. Moreover, the Century Club is not paying any rent or lease or any royalty to the Government and the entire land of 7.5 acre is granted free of cost, which would amount to substantial finance by the Government and the property belongs to the State Government.

20. Now, the contention of the Century Club is that as the Members of the Club make payment and the Club is run by such payment and as such, there is no dependency

of the Club on any funding, more particularly, by the State Government.

21. Insofar as grant of land to an extent of 7.5 acre in a prime locality is concerned, the learned counsel for the appellant submits that the land was granted to the Century Club by the then Maharaja of Mysuru, who was also the Patron-in-Chief of the Century Club. The contribution made by the Patron-in-Chief cannot be said to be a grant of a Government land and in the light of the said aspect, the learned counsel relied on the decision of the Hon'ble Apex Court in the case of **THALAPPALAM SERVICE COOPERATIVE BANK LIMITED AND OTHERS** (*supra*) and contended that the requirements of law not having been established, no direction could have been issued by respondent No.2.

22. It is undisputed fact that the then Maharaja of Mysuru was the Patron-in-Chief of the Century Club, who had granted 7.5 acre of land in the year 1913 for the activities of the Century Club. As regards the said land,

there is no payment which has been made by the Century Club to the Maharaja of Mysuru or the Kingdom of Mysuru. In relation to the land granted in question, no specific document has been placed on record to indicate that said land belonged personally to the Maharaja of Mysuru. The grant made in the name of Maharaja of Mysuru would also indicate that it is not the personal property of the Maharaja of Mysuru. If a King/a Ruler granted land free of cost before independence, the grant is generally recognised as an Act of the State or the sovereign rather than a strictly private transaction. Therefore, providing a major piece of land to the Century Club, that too, in the heart of the Metropolitan City for free, or a nominal fee, is classified as substantial indirect financing by the State. The Century Club is bound by public oversight. The land measures 7.5 acre, abutting the Cubbon Park, which has been used for the purpose of establishing the Century Club. The Century Club is not established in any other land belonging to the Club's own property or otherwise. Therefore, the Century Club, in its entirety, is running its

activities on the land granted by the then Maharaja of Mysuru. The activities of the Century Club are recreational activities for its Members in terms of establishing sports and leisure activities and also by establishing the entertainment and other activities for the benefit of its Members. All these benefits provided by the Century Club can only be enjoyed by its Members by visiting the premises of the Club, which is situated in the 7.5 acre of land. Therefore, without this land, the very existence of the Century Club would fall into doubt, as no activities of the Club could be carried out without this land being available to the appellant. However, the 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 Club could not be run. Therefore, the learned Single Judge relying on the decisions of the Hon'ble Apex Court in the cases of **THALAPPALAM SERVICE COOPERVATIVE BANK LIMITED AND OTHERS** and **D.A.V. COLLEGE TRUST AND MANAGEMENT SOCIETY** (*supra*) rightly held that if

the valuation of the land of 7.5 acre as on today is taken into consideration, the same would run into hundreds of crores or even thousands and the contribution made by the Members of the Club as Membership Fee or any other head of account pales into insignificance. Therefore, looking into any angle, there is a substantial contribution made by the State i.e. the erstwhile Kingdom of Mysuru, through the Maharaja of Mysuru, who granted 7.5 acre of land to the Century Club. Thereby, the Century Club is for all practical purposes considered to be 'Public Authority' within the definition of 2(h) of the RTI Act. Thus, the provisions of RTI Act are applicable to the Century Club. Learned Single Judge, by considering all these aspects of the matter, more particularly, the provisions of the RTI Act and the decisions cited supra, has rightly come to the conclusion that the Century Club is considered as 'Public Authority' under the RTI Act and accordingly, dismissed the writ petition filed by the appellant-Century Club. Hence, we find no merit in the appeal.

23. Accordingly, the writ appeal is ***dismissed***, without costs.

24. In view of the dismissal of the appeal, pending interlocutory applications shall stand dismissed.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

KVK