



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2023

BEFORE

THE HON'BLE MR JUSTICE N S SANJAY GOWDA

WRIT PETITION NO. 55173 OF 2014 (GM-RES)

BETWEEN:

1. THE KARNATAKA GOLF ASSOCIATION
NO.1, GOLF AVENUE, KODIHALLI,
OFF. AIRPORT ROAD, P.B. NO.817,
BANGALORE-560 008,
REPRESENTED BY ITS SECRETARY,

...PETITIONER

(BY SRI. KARAN JOSEPH .,ADVOCATE)

AND:

1. KARNATAKA INFORMATION COMMISSION
3RD FLOOR, M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560 001,
REPRESENTED BY THE STATE INFORMATION
COMMISSIONER
2. MR. UMAPATHI.S.

...RESPONDENTS

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

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED ORDER DATED:14.10.14, PASSED BY THE R1,





DECLARING THE PETITIONER AS A PUBLIC AUTHORITY UNDER SECTION 2(h) OF THE RIGHT TO INFORMATION ACT 2005, KIC 7926 PTN 2013 VIDE ANN-K & CONSEQUENTIALLY DISMISS THE COMPLAINT OF THE R2, ETC.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. It is not in dispute that this Writ Petition is connected with W.P. No.18449 of 2015 (which was connected with W.P.Nos.38347/2013, 58192/2013, 8053/2015 and 22774/2015), wherein the principal contention considered by a co-ordinate Bench was as to whether the Society's registration under the Karnataka Societies Registration Act, 1960 such as Bangalore Turf Club, Mysore Race Club, Ladies Club and the Institution of Engineer (India), which has been granted lands on the basis of the lease by the Government could be considered as a public authority since the grant of lands under lease amounted to the petitioners therein being substantially financed so as to bring them within the purview of the Right to Information Act, 2005 (for short, 'RTI Act').



2. This Court by judgment dated 13.01.2021 upheld the finding recorded by the Karnataka Information Commission that those institutions were indeed public authorities and the provisions of the RTI Act would therefore be applied to them.

3. In this case the petitioner is the Karnataka Golf Association which is running a Golf Course on the basis of the land leased to it by the State. The Government order which is produced along with this petition indicates that 124 acres of land has been leased to the petitioner's Association for a period of 30 years from 17.05.2010, subject to the petitioners' Association paying 2% of annual gross income as lease rent for the fresh lease period.

4. In my view, the fact that 124 acres of land has been leased on 2% of the annual gross income would indicate that the Association has been substantially financed by the State. It is to be noticed here that the Golf Association can run the Golf Course only if the land is available to them and if the land is given to them on a heavily



subsidized rent, this would amount to a substantial financing as contemplated under RTI Act. In my view, it would be appropriate to follow the decision rendered in the aforementioned Writ Petitions and uphold the order of the Karnataka Information Commission which has held that the petitioner is a public authority as contemplated under the RTI Act.

5. The Writ Petition is dismissed.

**Sd/-
JUDGE**

HNM
List No.: 1 Sl No.: 20