

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

RP.No. 56 of 2015 () IN WP(C).16994/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 16994/2014 of HIGH COURT OF KERALA
DATED 28-11-2014

REVIEW PETITIONER(S)/RESPONDENTS 1 TO 3:-

1. THE MANAGING DIRECTOR
THE KOTTAYAM WHOLESALE CO-OPERATIVE CONSUMER
STORES LTD NO.K.162
CENTRAL JUNCTION, KOTTAYAM - 686 001.
2. THE KOTTAYAM WHOLESALE CO-OPERATIVE CONSUMER STORES LTD
STORES LTD NO.K.162, CENTRAL JUNCTION
KOTTAYAM - 686 001, REPRESENTED BY ITS PRESIDENT
3. THE BOARD OF MANAGEMENT,
THE KOTTAYAM WHOLESALE CO-OPERATIVE CONSUMER
STORES LTD NO.K.162
CENTRAL JUNCTION, KOTTAYAM - 686 001
REPRESENTED BY ITS PRESIDENT

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS/PETITIONERS AND 4TH RESPONDENT:

1. P R THANKAPPAN
S/O.P.J.RAVINDRAN, PALLIKUNNIL HOUSE
PAATHAMUTTOM P.O., KOTTAYAM DISTRICT.
2. V.T.BABY,
S/O.THOMAS, VARAPPALLIL HOUSE, PATHAMUTTOM P.O.
KOTTAYAM DISTRICT.
3. K.S.RAMESH BABU,
S/O.T.S.SANKU, DARSANA BHAVAN, KUDAMALLOOR P.O.
KOTTAYAM DISTRICT.
4. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.

R BY STATE ATTORNEY SRI P. VIJAYARAGHAVAN
R BY SRI.V.M.KURIAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 27-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. VINOD CHANDRAN, J

R.P No.56 of 2015

in

W.P(C) No. 16994 of 2014

Dated this the 27th day of January, 2015

J U D G M E N T

The review petitioners are aggrieved with the judgment in writ petition, which directed fresh consideration of an issue, in which proceedings were admittedly taken without notice to the petitioner. Two contentions are taken for maintaining the review; one that the order itself would not be amenable to a writ of certiorari since there are alternative remedies available for the writ petitioners. The second ground is that a direction to pay the allowances would prejudicially affect the consumer store insofar as rendering the recovery nugatory in case the proceedings end against the petitioners in the writ petition.

2. Primarily it is to be noticed that with respect to the question of exercise of power under Article 226, when alternative remedy is available, it is a discretionary remedy which this court would exercise on finding a fundamental error in the proceedings. This Court had found that the

proceedings were taken without notice to the petitioners in the writ petition. As to the retention of allowances, it is to be noticed that as of now, there are no proceedings pending against the petitioners and if at all the same has to be issued, the same would have to be issued with notice to the petitioners and without an order for recovery no retention of allowances is permissible. In such circumstance no ground is discernible for a review. Review Petition is, hence dismissed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

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P.A to Judge