

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WA.No. 193 of 2015 () IN WP(C).1896/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 1896/2015 of HIGH COURT OF KERALA
DATED 19-01-2015**

APPELLANTS/PETITIONERS:

- 1. ANSAR AGED 44 YEARS
S/O. ALI UMMER, ANSAR MANZIL, PALLIKKAL P.O.
KILIMANOOR P.O., THIRUVANANTHAPURAM-695604.**
- 2. H.M.SUDHEER AGED 38 YEARS
S/O. HABEEB MUHAMMED, THEKKEVILA VEEDU, PALLIKKAL P.O.
KILIMANOOR, THIRUVANANTHAPURAM-695604.**
- 3. SHANAVAS AGED 52 YEARS
S/O. ABDUL RASHEED, PULIMATH VEEDU, PALLIKKAL P.O.
KILIMANOOR, THIRUVANANTHAPURAM-695604.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/RESPONDENTS/RESPONDENTS:

- 1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
THIRUVANANTHAPURAM-695001.**
- 2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
CHIRAYINKEEZHU, THIRUVANANTHAPURAM-695001.**
- 3. THE PART-TIME ADMINISTRATOR
PALLIKKAL FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.T.230
PALLIKKAL P.O., KILIMANOOR
THIRUVANANTHAPURAM-695604 (CO-OPERATIVE INSPECTOR
OFFICE OF ASSISTANT REGISTRAR, CHIRAYINKEEZHU
THIRUVANANTHAPURAM-695001).**
- 4. PALLIKKAL FARMERS SERVICE CO-OPERATIVE BANK LTD.NO. T. 230
PALLIKKAL P.O., KILIMANOOR, THIRUVANANTHAPURAM-695604.**
- 5. A.NIZAR, AGED 58 YEARS
NISHA MANZIL, K.K.KONAM P.O., PALLIKKAL
THIRUVANANTHAPURAM.**

BY SPL. GOVERNMENT PLEADER SRI.D.SOMASUNDARAM

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WA NO.193/15

APPENDIX

APPELLANT'S EXHIBITS

ANNEXURE A1: TRUE COPY OF the ORDER DATED 19.8.2014 IN
WPC NO.19381/14.

ANNEXURE A2: TRUE COPY OF THE ORDER OF THE 1ST
RESPONDENT DATED 2.9.14.

ANNEXURE A3: TRUE COPY OF THE REPORT OF THE 2ND
RESPONDENT DATED 16.1.15.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal No. 193 of 2015
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Dated this the 3rd day of February, 2015

J U D G M E N T

Antony Dominic, J.

The appellants, who were members of the Administrative Committee of the 4th respondent Co-operative Bank, filed WP(C) No.1896/2015 challenging Ext.P8 order passed by the 1st respondent removing them from the office and appointing part-time administrator in their place. By the judgment under appeal, the learned single Judge declined to interfere with the order and relegated the appellants to pursue the remedies under Section 83(1) (j) of the Kerala Co-operative Societies Act. It is this judgment which is under challenge before us.

2. We heard the learned counsel for the appellants and the learned special Government Pleader appearing for respondents 1 and 2.

3. The first contention raised by the learned counsel for the appellants is that they were appointed pursuant to Annexure A1 interim order dated 19th of August, 2014 passed by this Court in WP (c) No.19381/14 and that therefore, their removal was illegal. We

cannot accept this contention for the reason that WP(C) No.19381/14 was disposed of by Ext.P5 judgment dated 9/1/15 where the Joint Registrar was given the freedom to consider whether the Administrator or the members of the Administrative Committee should be permitted to continue in office. Therefore, if in exercise of that freedom given by this Court, for reasons which are valid, the Joint Registrar has decided that it is not desirable to permit the continuance of the Administrative Committee in office, such a decision cannot be faulted on the ground now urged.

4. In so far as this case is concerned, Ext.P8 is the order removing the appellants from office. That order contains certain allegations, which, *prima facie*, are sufficient to justify the action taken. In such circumstances, we do not think that the learned single Judge can be faulted for the view that has been taken to relegate the appellants to pursue their alternate remedy available.

Writ appeal fails and is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**