

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2399 of 2012 (Y)

PETITIONER(S):

**1. B. BHASI, S/O. BAHULEYAN, AGED 40 YEARS,
MATTAVANA HOUSE, CHERTHALA P.O.,
ALAPPUZHA DISTRICT.**

**2. K.G. RAMABHADHRAN, S/O. SUKUMARAN NAIR,
AGED 46 YEARS, 'SANTHAVILASAM',
CMC 31, CHERTHALA P.O., ALAPPUZHA.**

**BY ADVS.SRI.V.G.ARUN,
SRI.T.R.HARIKUMAR.**

RESPONDENT(S):

**1. THE KIZHAKKENALPATHIL SERVICE CO-OPERATIVE
BANK LTD. NO.1164, REPRESENTED BY ITS SECRETARY,
CHERTHALA, ALAPPUZHA-686 524.**

**2. THE ELECTORAL OFFICER,
THE KIZHAKKENALPATHIL SERVICE CO-OPERATIVE
BANK LTD. NO.1164, CHERTHALA, ALAPPUZHA-686 524,
(ASSISTANT REGISTRAR (GENERAL) OF CO-OPERATIVE
SOCIETIES, CHERTHALA).**

**3. THE RETURNING OFFICER,
THE KIZHAKKENALPATHIL SERVICE CO-OPERATIVE
BANK LTD. NO.1164, CHERTHALA, ALAPPUZHA-686 524,
(CO-OPERATIVE INSPECTOR, OFFICE OF THE
ASSISTANT REGISTRAR (GENERAL) OF CO-OPERATIVE
SOCIETIES, CHERTHALA).**

**4. THE STATE CO-OPERATIVE ELECTION COMMISSIONER,
STATE CO-OPERATIVE ELECTION COMMISSION,
THIRUVANANTHAPURAM-695 001.**

**5. THE JOINT REGISTRAR (GENERAL) OF
CO-OPERATIVE SOCIETIES, OFFICE OF THE
JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE
SOCIETIES, ALAPPUZHA-688 001.**

**R1 BY ADV. SRI.M. SASINDRAN.
R2 TO R5 BY GOVT. PLEADER SRI.NOUSHAD THOTTATHIL.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ELECTION NOTIFICATION PUBLISHED IN THE MATHRUBHOOMI DAILY DATED 04/01/2012.
- EXT.P2 COPY OF THE REPRESENTATION SUBMITTED BY THE FIRST PETITIONER BEFORE THE SECOND RESPONDENT DATED 20/01/2012.
- EXT.P3 COPY OF THE OBJECTION FILED BY THE SECOND PETITIONER BEFORE THE SECOND RESPONDENT DATED 20/01/2012.
- EXT.P4 COPY OF THE REPLY NO.E.O./1164(2)/12 DATED 21/01/2012 GIVEN TO THE FIRST PETITIONER BY THE SECOND RESPONDENT.
- EXT.P5 COPY OF THE REPLY NO.E.O/1164/12 DATED 21/01/2012 GIVEN TO THE SECOND PETITIONER BY THE SECOND RESPONDENT DATED 21/01/2012.
- EXT.P6 COPY OF THE REPORT NO.B 1164/11 DATED 23/09/2011 SUBMITTED BY THE SECOND RESPONDENT.
- EXT.P7 COPY OF THE RELEVANT PAGES OF THE AUDIT REPORT OF THE FIRST RESPONDENT SOCIETY IN THE YEAR 2001-2002.
- EXT.P8 COPY OF THE REPRESENTATION SUBMITTED BY THE FIRST PETITIONER BEFORE THE 5TH RESPONDENT DATED 01/12/2011.
- EXT.P9 COPY OF THE ORDER CRP(1) 6327/11 DATED 25/01/2012 OF THE 5TH RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 2399 of 2012

Dated this the 21st day of January, 2015

J U D G M E N T

Under challenge in this writ petition is an election conducted to the managing committee of the 1st respondent society as well as regarding the membership of the voters.

2. It is submitted by the learned counsel for the petitioners that the election has been over; and therefore, the prayer regarding the election has become infructuous.

3. Regarding the question on membership, the learned counsel for the respondent society submitted that the petitioners were enlisted in the roll of members; and therefore, there is no surviving cause of action.

In the light of the above, the writ petition is closed without examining the merits of the grounds raised.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-