

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WA.No. 1940 of 2014 () IN WP(C).12030/2011

**AGAINST THE ORDER/JUDGMENT IN WP(C) 12030/2011 of HIGH COURT OF KERALA
DATED 15-07-2014**

APPELLANT(S)/PETITIONERS:

- 1. THE BOARD OF DIRECTORS OF THE KOLIYAKODE CONSUMER
CO-OPERATIVE SOCIETY LTD.NO.T.1002
REPRESENTED BY ITS PRESIDENT, VENJARAMOODU
KOLIYAKODE.P.O., THIRUVANANTHAPURAM. 695 607.**
- 2. THE KOLIYAKODE CONSUMER CO-OPERATIVE SOCIETY LTD.NO.T.1002
REPRESENTED BY ITS SECRETARY, VENJARAMOODU
KOLIYAKODE.P.O., THIRUVANANTHAPURAM. 695 607.**

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

RESPONDENT(S)/RESPONDENTS:

- 1. THE SECRETARY TO GOVERNMENT
CO-OPERATION(C)DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE JOINT REGISTRAR (GENERAL) OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM. 695 001.**
- 3. M.K.VASUDEVAN PILLAI
INDIRA NIVAS, VENJARAMOODU, KOLIYAKODE.P.O.
THIRUVANANTHAPURAM. 695 607.**

**BY SR GOVERNMENT PLEADER SRI.M.K.ABOOBACKER
R3 BY SRI.P.K.MANOJKUMAR**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal No. 1940 of 2014
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Dated this the 7th day of January, 2015

J U D G M E N T

Antony Dominic, J.

Heard the learned counsel for the appellants, learned Government Pleader appearing for respondents 1 and 2 and the learned counsel appearing for the 3rd respondent.

2. The 3rd respondent made an application for membership in the second appellant society. That application was rejected by Ext.P2 stating that he is a person who has acted against the interest of the society. In an appeal filed by him, the Joint Registrar passed Ext.P3 order directing that membership shall be granted to the 3rd respondent. This order of the Joint Registrar was challenged by the appellants by filing an appeal under Section 83(1)(j) of the Kerala Co-operative Societies Act. That appeal was rejected by Ext.P5 order. It was challenging Exts.P3 and P5, the appellants filed the writ petition. By judgment dated 15th of July, 2014, the learned single Judge having dismissed the writ petition, this appeal is filed.

3. Although various contentions are raised by the learned counsel for the appellants, he is unable to show us any of the

statutory provisions of the bye laws enabling a society to reject an application for membership on the grounds mentioned in Ext.P2. If that be so, the conclusion of the learned single Judge that Exts.P3 and P5 orders passed by the Joint Registrar and the Government do not suffer from any illegality does not merit interference by us. We do not find any substance in the appeal.

Appeal is, therefore, dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

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PA to Judge