

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

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

WP(C).No. 328 of 2015 (M)

PETITIONER:

R. SADASIVAN PILLAI, SINI NILAYAM,
PADINJATTAMKIZHAKKU, SOORANAD NORTH P.O.,
KOLLAM (MEMBER, KALEEKKATHARA KSHEEROLPADAKA
SAHAKARANA SANGHAM, LIMITED NO. Q 89(D), APCOS
SOORANAD NORTH P. O., KOLLAM - 690 561.

BY ADV. SRI. P. C. SASIDHARAN

RESPONDENTS:

1. THE DEPUTY DIRECTOR OF DIARY DEVELOPMENT,
OFFICE OF THE DEPUTY DIRECTOR OF
DIARY DEVELOPMENT, KOLLAM-691 001.
2. THE KALEEKKATHARA KSHEEROLPADAKA
SAHAKARANA SANGHAM, LTD NO. Q 89(D),
APCOS, SOORANAD NORTH P.O.,
KOLLAM - 690 561, REPRESENTED BY ITS SECRETARY
3. THE DAIRY DEVELOPMENT OFFICER,
SASTHAMCOTTA, PORUVAZHY P.O.,
KOLLAM - 690 520.

BY GOVERNMENT PLEADER SRI. T. R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1	:-	TRUE COPY OF THE NOTICE ISSUED BY THE IST RESPONDENT
EXHIBIT P2	:-	TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER, THROUGH REGISTERED POST
EXHIBIT P3	:-	TRUE COPY OF THE ELECTION NOTIFICATION
EXHIBIT P4	:-	TRUE COPY OF THE CERTIFICATE ISSUED BY THE SOCIETY
EXHIBIT P5	:-	TRUE COPY OF THE CERTIFICATE ISSUED BY THE SOCIETY
EXHIBIT P6	:-	TRUE COPY OF THE ORDER ISSUED THE IST RESPONDENT DTD 1/2/2014
EXHIBIT P7	:-	TRUE COPY OF THE JUDGMENT IN WPC NO 4557 OF 2014 DTD 24/3/2014
EXHIBIT P8	:-	TRUE COPY OF THE WRITTEN SUBMISSION MADE BY SRI C DIVAKARAN
EXHIBIT P9	:-	TRUE COPY OF THE NOTICE ISSUED BY THE IST RESPONDENT
EXHIBIT P10	:-	TRUE COPY OF THE DETAILED EXPLANATION WAS SUBMITTED BY THE PETITIONER
EXHIBIT P11	:-	TRUE COPY OF THE NOTICE DTD 4/9/2014
EXHIBIT P12	:-	TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER
EXHIBIT P13	:-	TRUE COPY OF THE ORDER ISSUED BY THE IST RESPONDENT DTD 22/11/2014

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 328 OF 2015

Dated this the 7th day of January, 2015

JUDGMENT

Ext.P13 order disqualifying the petitioner from being a member of the Board of Directors of the second respondent Society under Rule 44 of the Kerala Co-operative Societies Rules is impugned. The allegation is that the petitioner did not own milching cows and that he did not supply the requisite quantity of milk to the Society as warranted by its bye-laws.

2. These are disputed questions of fact which can be gone into in an appeal as provided under Section 83(1)(j) of the Kerala Co-operative Societies Act. The question whether the petitioner has a subsisting disqualification or not can also been gone into in this statutory appeal.

3. I do not think that the writ jurisdiction of this court could be invoked to adjudicate these factual aspects and render a finding on one way or the other. I grant the petitioner time till 31.01.2015 to file an appeal to the government on the specific request made by his counsel.

WP(C) No. 328/2015

The Writ Petition is dismissed without prejudice to the right of the petitioner to invoke the effective alternate remedy provided as per law.

**V. CHITAMBARESH
JUDGE**

ncd