

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 1281 of 2015 (I)

PETITIONER:

BOARD OF DIRECTORS OF IRUMBIL DAIRY
PRODUCERS CO-OPERATIVE SOCIETY
LTD.NO.T.189(D) APCOS, NEYYATTINKARA,
TRIVANDRUM DISTRICT REPRESENTED BY
PRESIDENT, C. STEPHEN, PIN 695 121.

BY ADV. SRI.P.V.BABY

RESPONDENTS:

1. DIRECTOR OF DAIRY DEVELOPMENT DEPARTMENT,
OFFICE OF THE DIRECTOR OF DAIRY DEVELOPMENT
DEPARTMENT, TRIVANDRUM DISTRICT.
2. ISSAC. K. THAYYIL, DEPUTY DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT,
OFFICE OF THE DEPUTY DIRECTOR OF
DAIRY DEVELOPMENT DEPARTMENT,
TRIVANDRUM - 695 001.

BY SPECIAL GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A TRUE PHOTOSTAT COPY OF THE ORDER DATED 31.12.2014
ISSUED BY THE 1ST RESPONDENT
- EXHIBIT P2 : A TRUE PHOTOSTAT COPY OF THE POSTAL COVER IN WHICH
EXT.P1 WAS SENT TO THE PETITIONER AND SECRETARY OF THE
SOCIETY.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 1281 OF 2015

Dated this the 14th day of January, 2015

JUDGMENT

Heard the counsel for the petitioners and the Special Government Pleader for the respondents.

2. There is evidently an infraction of Rule 66(1)(c) and (2) of the Kerala Co-operative Societies Rules, 1969. The specific points on which the enquiry is to be made and the report submitted to the Registrar have not been made clear in Ext.P1 order. Also Ext.P1 order authorising enquiry has not been dispatched by registered post acknowledgment due with a copy available to the central society. I am fortified in this view by the decision in **Ellakkal Service Co-operative Bank Vs. State of Kerala [1997 (2) KLT 85]**.

2. Ext.P1 order is accordingly quashed making it clear that the first respondent is at liberty to proceed afresh for an enquiry under Section 65 of the Kerala Co-operative Societies Act if he so deems fit.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**