

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 1893 of 2015 (J)

PETITIONER:

**SAMUEL P, AGED 62 YEARS
S/O. PONNU NADAR
AMBUJA BHAVAN, PARAVILA
POOVACHAL, TRIVANDRUM - 695 575**

**BY ADVS.SRI.JOHNSON MANAYANI
SRI.JEEVAN MATHEW MANAYANI**

RESPONDENTS:

- 1. KAPPIKKAD MILK PRODUCERS CO-OPERATIVE SOCIETY LTD.
REPRESENTED BY ITS SECRETARY NO. T. 123-APCOS
KAPPIKKAD, POOVACHAL P.O.
TRIVANDRUM - 695 575**
- 2. DEPUTY DIRECTOR, DAIRY DEVELOPMENT
TRIVANDRUM - 695 001**
- 3. THE RETURNING OFFICER, KAPPIKKAD
MILK PRODUCERS CO-OPERATIVE SOCIETY
KAPPIKKAD, POOVACHAL P.O., TRIVANDRUM
695 575**
- 4. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY TO DAIRY DEVELOPMENT
SECRETARIAT, TRIVANDRUM - 695 001**
- 5. STATE CO-OPERATIVE ELECTION COMMISSION
CO-OPERATIVE BANK TOWERS, VIKAS BHAVAN P.O.
TRIVANDRUM 695 033
REPRESENTED BY ITS ADDITIONAL
REGISTRAR SECRETARY**
- 6. ELECTROL OFFICER, ASSISTANT DIRECTOR/
TECHNICAL ASSISTANT, TRIVANDRUM DISTRICT
DAIRY DEVELOPMENT DEPARTMENT, TRIVANDRUM - 695 001**
- 7. JAYANANDA RAJ, PALLITHARA VEEDU
KAPPIKKAD, POOVACHAL P.O.
TRIVANDRUM - 695 575**

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- 8. P.B. PADMAKUMAR, PADMALAYAM
VAZHUTHANAMUGHAL, POOVACHAL P.O.
TRIVANDRUM - 695 575**
- 9. C. RABI, KUZHIVILA VEEDU
KONNIYOOR, POOVACHAL P.O.
TRIVANDRUM - 695 575**
- 10. O. SOBHA, THADATHARIKATH VEEDU
VAZHUTHARAMUGHAL, POOVACHAL P.O.
695 575**
- 11. LIJU SAMUEL, ERAYAMKOD
PUTHEN VEEDU, POOVACHAL P.O.
TRIVANDRUM - 695 575**
- 12. L. SUJATHA, MARUTHAMKODKONAM
KAPPIKKAD, POOVACHAL P.O. - 695 575**
- 13. R. RAGHAVALAL, PALLIVETTA
MEKKUMKARA PUTHEN VEEDU
KONNIYOOR, POOVACHAL P.O. - 695 575**
- 14. T. LAL, THANKARAJ VILASAM
KOTTAKUZHI, POOVACHAL P.O. - 695 575**
- 15. L.J. CHITHRA, PUNARTHAM HOUSE
KAPPIKKAD P.O., TRIVANDRUM - 695 575**
- 16. SANOOFA BEEVI, AJI BHAVAN
KAPPIKAD POOVACHAL P.O. - 695 575**

R2 & R4 BY GOVERNMENT PLEADER SRI. GIKKU JACOB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 1893 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE AUTHORITIES THAT IS RESPONDENTS 2 AND 3 DATED 10.06.2014 WITHOUT EXHIBITS**
- P2 : COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE RESPONDENTS 2 AND 5 DATED 15.11.2014 WITHOUT EXHIBITS**
- P3 : COPY OF THE ELECTION NOTIFICATION TO THE FIRST RESPONDENT SOCIETY DATED 22.11.2014**
- P4 : COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 24.12.2014**
- P5 : COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT DATED 06.01.2015**
- P6: COPY OF THE FINAL VOTERS LIST PUBLISHED BY RESPONDENTS 3 AND 6**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 1893 OF 2015

Dated this the 19th day of January, 2015

JUDGMENT

The election process is on. Ext. P3 election calender is eloquent. Final voters list was published on 26.12.2014. Even the nominations have been accepted on 07.01.2015. What remains is the polling on 21.01.2015.

2. It is inequitable to entertain this writ petition at this juncture. The remedy is to file an election petition under Section 69 of the Kerala Co-operative Societies Act, 1969 (See:- **Shri. Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another v. State of Maharashtra and Others [(2001) 8 SCC 509]**). Challenge to the voters list can be raised in the election petition as well. I decline jurisdiction.

The writ petition is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS