

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. 1896 of 2015 (J)

PETITIONERS:

1. **ANSAR, AGED 44 YEARS
S/O. ALI UMMER
ANSAR MANZIL, PALLIKKAL P.O.
KILLIMANOOR, THIRUVANANTHAPURAM - 695 604**
2. **H.M. SUDHEER, S/O. HABEEB MUHAMMED
AGED 38, THEKKEVILA VEEDU, PALLIKKAL P.O.
KILLIMANOOR, THIRUVANANTHAPURAM - 695 604**
3. **SHANAVAS, S/O. ABDUL RASHEED
AGED 52, PULIMATH VEEDU, PALLIKKAL P.O.
KILIMANORR, THIRUVANANTHAPURAM - 695 604**

BY ADV. SRILATHEESH SEBASTIAN

RESPONDENTS:

1. **THE JOINT REGISTRAR OF CO-OP. SOCIETIES(GENERAL)
THIRUVANANTHAPURAM - 695 001**
2. **THE ASSITANT REGISTRAR OF CO-OPERATIVE SOCIEITES (GENERAL)
CHIRAYINKEEZHU, THIRUVANANTHAPURAM - 695 001**
3. **THE PART-TIME ADMINISTRATOR
PALLIKKAL FARMERS SERVICE CO-OPERATIVE BANK LTD. NO. T. 230
PALLIKKAL P.O., KILIMANOOR, THIRUVANANTHAPURAM - 695 604
(CO-OPERATIVE UNIT INSPECTOR, KILIMANOOR, OFFICE OF
ASSISTANT REGISTRAR, CHIRAYINKEEZHY, THIRUVANANTHAPURAM
- 695 001)**
4. **PALLIKKAL FARMERS SERVICE CO-OPERATIVE BANK LTD NO. T. 230
PALLIKKAL P.O., KILIMANOOR, THIRUVANANTHAPURAM - 695 604
REPRESENTED BY THE MANAGING DIRECTOR**
5. **A. NIZAR, AGED 58 YEARS
NIZHA MANZIL, K.K. KONAM P.O., PALLIKKAL
THIRUVANANTHAPURAM**

R1 & R2 BY SPL. GOVERNMENT PLEADER SRI. SOMASUNDARAM

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

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE ELECTION NOTIFICATION DATED 05.06.2014**
- P2 : COPY OF THE ORDER OF THE STATE CHIEF CO-OPERATIVE ELECTION COMMISSIONER DATED 22.07.2014**
- P3 : COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 20.08.2014**
- P4 : COPY OF THE W.P.(C). NO. 29027/2014**
- P5 : COPY OF THE JUDGMENT DATED 09.01.2015 IN W.P.(C). NO. 29027/2014**
- P6 : COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 14.07.2014**
- P7 : COPY OF THE LETTER OF THE 4TH RESPONDENT DATED 13.01.2015**
- P7(a) : COPY OF THE LETTER OF THE 4TH RESPONDENT DATED 13.01.2015**
- P7(b) : COPY OF THE LETTER OF THE 4TH RESPONDENT DATED 13.01.2015**
- P8 : COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 17.01.2015**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 1896 OF 2015

Dated this the 19th day of January, 2015

JUDGMENT

It is essentially in the discretion of the first respondent as to whether an Administrative Committee or an Administrator (a departmental officer) should man the affairs of a society. This is explicit from Section 33(1)(b) of the Kerala Co-operative Societies Act, 1969.

2. There is no vested right for anyone to remain as a member of the Administrative Committee. Therefore no question of violation of principles of natural justice arise in the case as alleged by the petitioners.

3. The first respondent has in the instant case thought it fit to appoint an Administrator replacing the Administrative Committee. Whether such an action is warranted or not depends on many factual questions and also the relevant inputs.

4. I deem it fit and proper to relegate the petitioners to the alternate remedy available under Section 83(1)(j) of the

Kerala Co-operative Societies Act, 1969. The petitioners are free to urge all legal and factual questions in the appeal if any filed.

The writ petition is disposed of without prejudice to the right as above.

**V. CHITAMBARESH
JUDGE**

DCS