

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2108 of 2015 (K)

PETITIONERS:

1. SAJEED M (M NO. 9475),
RANDUTENGIL, PERUNADU,
CLAPPANA, OACHIRA, KOLLAM.
2. THANKAMANI (M NO. 6850),
VRINDA BHAVAN, VARAVILA,
CLAPPANA, OACHIRA, KOLLAM.
3. REYMOND CARDOZ (M NO. 3648),
CLAPPANA SOUTH, OACHIRA, KOLLAM.
4. USHA UNNIKRISHNAN (M NO. 11878),
AAKULANGARA, CLAPPANA EAST,
CLAPPANA, OACHIRA, KOLLAM.
5. SARASUDEVI (M NO. 12958),
PUTHANPUTHUVAL FISH FARM,
AALUMPEEDIKA, CLAPPANA,
OACHIRA, KOLLAM.
6. SHAJI (M NO. 9321), AALUMTHARA
PADEETHATHIL, PRAYAR SOUTH,
AALUMPEEDIKA, CLAPPANA,
OACHIRA, KOLLAM.
7. RADHAKRISHNAN (M NO. 8528),
RAJ BHAVAN, AALUMPEEDIKA,
CLAPPANA, OACHIRA, KOLLAM.
8. MADHUSOODANAN (M NO. 5942),
THUNDIL THURAYIL, PRAYAR SOUTH,
AALUMPEEDIKA, CLAPPANA, OACHIRA, KOLLAM.
9. UTHAMAN (M NO. 6494), CHATHAPALLIL
LAKSHAM VEEDU, PERUNADU,
CLAPPANA, OACHIRA, KOLLAM.

BY ADV. DR.K.P.PRADEEP

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF CO-OPERATION,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. CLAPPANA SERVICE CO-OPERATIVE BANK LTD. NO. 867,
CLAPPANA P.O., VIA OACHIRA, KOLLAM
REPRESENTED BY ITS SECRETARY.
3. THE RETURNING OFFICER, THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES (GENERAL),
KARUNAGAPALLY, KOLLAM.
4. THE JOINT REGISTRAR (CO-OPERATIVE SOCIETIES)
J R OFFICE, KOLLAM.
5. THE KERALA STATE CO-OPERATIVE ELECTION
COMMISSION, CO-BANK TOWERS,
THIRUVANANTHAPURAM.
6. THE STATION HOUSE OFFICER, OACHIRA
POLICE STATION, OACHIRA, KOLLAM.
7. MR. SURESH, SECRETARY, COMMUNIST PARTY
OF INDIA (MARXIST), LOCAL COMMITTEE,
CLAPPANA, OACHIRA, KOLLAM.

BY GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE NOTIFICATION NO. E(1)/5460/2014/SCEC DATED 24.12.2014 ISSUED BY THE 5TH RESPONDENT REGARDING THE ELECTION TO THE MANAGING COMMITTEE OF THE 2ND RESPONDENT CO-OPERATIVE BANK.
- EXHIBIT P2 : TRUE COPY OF THE FIR NO. 85/2015 DATED 15.01.2015 OF THE OACHIRA POLICE STATION, KOLLAM DISTRICT.
- EXHIBIT P3 : TRUE COPY OF THE COMPLAINT DATED 15.01.2015 FILED ON 16.01.2015 BEFORE THE 3RD RESPONDENT BY THE 1ST PETITIONER.
- EXHIBIT P4 : TRUE COPY OF THE COMPLAINT DATED 15.01.2015 FILED ON 16.01.2015 BEFORE THE 3RD RESPONDENT BY THE 2ND PETITIONER.
- EXHIBIT P5 : TRUE COPY OF THE ACKNOWLEDGEMENT NO. 47/15 DATED 16.01.2015 ISSUED BY THE 3RD RESPONDENT RECEIVING EXT.P3 COMPLAINT.
- EXHIBIT P6 : TRUE COPY OF THE ACKNOWLEDGEMENT NO. 48/2015 DATED 16.01.2015 ISSUED BY THE 3RD RESPONDENT RECEIVING EXT.P4 COMPLAINT.
- EXHIBIT P7 : TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE 5TH RESPONDENT ON 17.01.2015.
- EXHIBIT P8 : TRUE COPY OF THE RELEVANT NEWS REPORTED IN MALAYALA MANORAM DAILY DATED 16.01.2015.
- EXHIBIT P9 : TRUE COPY OF THE RELEVANT NEWS REPORTED IN KERALA KAUMUDI DAILY DATED 16.01.2015.
- EXHIBIT P10 : TRUE COPY OF THE RELEVANT NEWS REPORTED IN MADHYAMAM DAILY DATED 16.01.2015.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 2108 OF 2015

Dated this the 21st day of January, 2015

JUDGMENT

The petitioners contend that there is no free and fair election to the Managing Committee of the second respondent bank. The allegation is that the petitioners were physically obstructed from submitting their nominations for candidature and that a criminal case has even been registered.

2. The petitioners have submitted Ext.P7 representation to the fifth respondent Election Commission. It is for the fifth respondent Election Commission to deal with the same and take appropriate steps if necessary.

3. I direct the fifth respondent Election Commission to consider Ext.P7 representation with notice to the petitioners. The needful shall be done within a period of one week from the date of receipt of a copy of this judgment. The petitioners are free to produce the copy of the writ petition with the judgment before the fifth respondent Election Commission.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**