

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. 2204 of 2015 (A)

PETITIONER:

**MINIMOL PRATHEESH, AGED 42 YEARS
W/O. PRATHEESH
PANAMBUKADU, KUMBALANGI, KOCHI - 7**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.VSRI NATH**

RESPONDENTS:

- 1. THE JOINT REGISTRAR (GENERAL)
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
ERNAKULAM**
- 2. THE ASSISTANT REGISTRAR (GENERAL)
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES
ERNAKULAM**
- 3. THE SCHEDULED CASTE SERVICE CO-OPERATIVE SOCIETY LTD.
NO.R-147
KUMBALANGI P.O., KOCHI - 7
REP. BY ITS SECRETARY**

R1 & R2 BY SPL. 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:**

DCS

WP(C).No. 2204 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : THE BYE-LAW OF THE 3RD RESPONDENT SOCIETY

P2 : THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 17.11.2014

P3 : COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 09.01.2015

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 2204 OF 2015

Dated this the 21st day of January, 2015

JUDGMENT

Ext. P3 order disqualifying the petitioner from being a member of the Managing Committee of the third respondent society is impugned. It is so passed on the premise that the petitioner did not attend four consecutive meetings of the Managing Committee as enjoined in the bye-laws.

2. The petitioner has a contention that there was no due service of notice about the proposed meetings of the Managing Committee. The Special Government Pleader points out that the same is a disputed question of fact which can be thrashed out in proceedings in appeal only.

3. Ext. P3 order is very much appealable under Section 83(1)(j) of the Kerala Co-operative Societies Act, 1969. The petitioner is also free to apply for interim reliefs in the appeal before the Government and the writ petition is hence misconceived.

4. The post of the President of the third respondent society has now fallen vacant consequent on Ext. P3 order. Fresh election to the post of President shall not be conducted for a period of one month to enable the petitioner to invoke the appellate remedy if so desired.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS