

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

WP(C).No. 2475 of 2015 (H)

PETITIONER:

**SAJI MATHEW, AGED 41 YEARS
S/O.MATHEW P.J., RESIDING AT PACKAL
AYAVANA P.O., MUVATTUPUZHA,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.R.SUDHISH
SMT.M.MANJU**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE STATE CO-OPERATIVE ELECTION COMMISSION
REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM -695001.**
- 3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
ERNAKULAM - 682 016.**
- 4. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
(ELECTORAL OFFICER)
CO-OPERATIVE OFFICE (GENERAL) MUVATTUPUZHA
ERNAKULAM DISTRICT, PIN - 686 661**
- 5. MUVATTUPUZHA RUBBER MARKETING CO-OPERATIVE SOCIETIES
LIMITED, NO.3094, MUVATTUPUZHA
ERNAKULAM - 686 661
REPRESENTED BY ADMINISTRATIVE CONVENER**

R1 TO R4 BY SPL. GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 2475 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: COPY OF THE ELECTION NOTIFICATION PUBLISHED BY THE 2ND RESPONDENT DATED 18.12.2014**
- EXT.P-2: COPY OF THE NOTIFICATION PUBLISHED BY THE 2ND RESPONDENT DATED 4.9.2014**
- EXT.P-3: COPY OF THE RELEVANT PAGES OF THE AMENDMENT OF KERALA CO-OPERATIVE SOCIETIES ACT BY G.O. NO.142/2014 DATED 25.11.2014**
- EXT.P-4: COPY OF THE COMPLAINT MADE BY THE PETITIONER AND NAZARUDIN DATED 3.1.2015 BEFORE THE 2ND RESPONDENT**
- EXT.P-5: COPY OF THE REPRESENTATION DATED 9.1.2015 SUBMITTED BY THE 5TH RESPONDENT BEFORE THE 2ND RESPONDENT**
- EXT.P-6: COPY OF THE POSTAL ACKNOWLEDGEMENT CARD SHOWING THE RECEIPT OF EXHIBIT P5 REPRESENTATION.**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 2475 OF 2015

Dated this the 27th day of January, 2015

JUDGMENT

The election process is on going by Ext. P1 calender of events. Final voters list was published on 09.01.2015 and the list of candidates was published on 21.01.2015. All that remains is the polling to be conducted on 07.02.2015.

2. It will be inequitable at this juncture to interfere with the election process as sought. The petitioner has an effective alternate remedy by way of an election petition. The writ petition under Article 226 of the Constitution of India is not a proper remedy (see:- **Shri. Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another v. State of Maharashtra and Others [(2001) 8 SCC 509]**).

3. The petitioner has a contention that the voters list is not pruned in accordance with Rule 18A of the Kerala Co-operative Societies Rules, 1969. The validity of the voters list can also be urged in the election petition. No directions could be issued to meddle with the election process when only the polling remains.

The writ petition is dismissed without prejudice to the contentions of the petitioner.

**V. CHITAMBARESH
JUDGE**

DCS