

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 3109 of 2015 (K)

PETITIONER:

**MONIPPALLY MARKETING CO-OPERATIVE SOCIETY LTD.,
NO. 4052, MONIPPALLY, KOTTAYAM DISTRICT-686636
REPRESENTED BY THE GENERAL MANAGER.**

BY ADV. SRI.JOHN VARGHESE

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT OF KERALA, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. THE SECRETARY TO GOVERNMENT
DEPARTMENT OF CO-OPERATION, GOVERNMENT OF KERALA
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 3. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FINANCE, GOVERNMENT OF KERALA
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 4. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY OFFICE, PALAI
KOTTAYAM DISTRICT-666575.**

BY GOVERNMENT PLEADER SMT.M.T.SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

vmr.

WP(C).No. 3109 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE MINUTES OF THE MEETING UNDER THE
CHAIRMANSHIP OF THE MINISTER FOR CO-OPERATIVE SOCIETIES ON 31-07-2013.**

**EXHIBIT P2- TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE 4TH
RESPONDENT DT. 21-04-2014.**

RESPONDENT(S)' EXHIBITS : NIL.

/TRUE COPY/

P.S.TO JUDGE

vmr.

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 3109 of 2015

Dated this the 27th day of July, 2015

J U D G M E N T

The petitioner is a Co-operative Society engaged in procurement of various commodities including pepper, rubber, copra etc. directly from its members and other farmers. On account of adversities in the agricultural sector the Society went into deep debt trap. Many societies have faced similar circumstances. Therefore Government constituted a committee under the Chairmanship of Sri.P.C.Cyriac IAS, former Chief Secretary of Tamil Nadu to study the problems related to the Rubber Marketing Co-operative Societies in Kerala. It is submitted by the learned counsel for the petitioner that, the committee submitted a report before the Government. One of the recommendations of the committee is to convert debt of the Co-operative Societies as Government Shares in the Society. Petitioner now threatened with Ext.P2 revenue recovery notice to recover the amount due to the Government. Ext.P1 is the minutes of the meeting under the Chairmanship of the Minister for Co-operative Societies on 31.07.2013.

2. Considering the facts and circumstances as above, this Court is of the view that the Government shall take

appropriate decision, adverting to the recommendation, within a period of 6 months from the date of receipt of a copy of this judgment. Coercive steps pursuant to Ext.P2 shall be deferred till such time.

This writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn