

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 6783 of 2013 (W)

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PETITIONER :

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JUSTIN VARGHESE,  
KONIKKARA HOUSE, EAST BAZAAR, OLLUR,  
THRISSUR DISTRICT.

BY ADVS.SRI.C.D.DILEEP  
SMT.SHYLAJA VARGHESE

RESPONDENTS :

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1. THE GENERAL MANAGER,  
DISTRICT INDUSTRIES CENTRE, AYYANTHOLE.P.O.,  
THRISSUR, PIN:680 003.
2. THE RETURNING OFFICER,  
THRISSUR DISTRICT MINI INDUSTRIAL ESTATE CO-OP:SOCIETY LTD.  
NO.S IND(R) 420 OLARIKKARA, PULLAZHI P.O.,  
THRISSUR DISTRICT. (JUNIOR CO-OPERATIVE INSPECTOR,  
HAND LOOM ORGANIZATION, DISTRICT INDUSTRIES CENTRE,  
THRISSUR, PIN:680 003.
3. THRISSUR DISTRICT MINI INDUSTRIAL ESTATE CO-OP: SOCIETY LTD.  
NO.S IND (R) 420 OLARIKKARA, PULLAZHI P.O.,  
THRISSUR DISTRICT, REPRESENTED BY ITS SECRETARY,  
PIN:680 003.

R3 BY ADV. SRI.C.E.UNNIKRISHNAN  
BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-10-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1: A TRUE COPY OF THE BY-LAWS OF THE 3RD RESPONDENT SOCIETY.

EXHIBIT P2: A TRUE COPY OF THE ELECTION NOTIFICATION OF THE 2ND RESPONDENT DATED 6.2.2013.

EXHIBIT P3: A TRUE COPY OF NOMINATION PAPER FILED BY THE PETITIONER DATED 2.3.13.

EXHIBIT P4: A TRUE COPY OF THE RELEVANT PAGES OF THE VOTERS LIST SHOWING THE NAME OF SRI.A.G.VIJAYAN AND ELSY MICHEAL PROPOSER AND SECONDER OF THE PETITIONER'S NOMINATION.

EXHIBIT P5: A TRUE COPY OF DRAFT LIST OF CANDIDATES/VALID NOMINATIONS WITH THE REJECTED NOMINATIONS PUBLISHED BY THE 2ND RESPONDENT COPIED FROM THE NOTICE BOARD OF THE 3RD RESPONDENT.

EXHIBIT P6: A TRUE COPY OF THE FINAL LIST OF CANDIDATES PUBLISHED BY THE 2ND RESPONDENT ON 5.3.2012.

RESPONDENTS' EXHIBITS : NIL.

True copy

P.A to Judge

**ANIL K.NARENDRA, J.**

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**W.P.(C)No.6783 of 2013**  
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**Dated this the 1<sup>st</sup> day of October, 2015**

**JUDGMENT**

The petitioner, who is a member of the 3<sup>rd</sup> respondent Society, has approached this Court in this writ petition seeking a writ of mandamus commanding the 2<sup>nd</sup> respondent to accept his nomination and to include him in the final list of candidates, so as to enable him to contest the election to the Managing Committee of the 3<sup>rd</sup> respondent Society scheduled to be held on 13.3.2013 based on Ext.P2 notification. The petitioner would contend that the rejection of his nomination for the reason that the proposer and seconder had proposed and seconded more than one candidate is patently illegal and arbitrary.

2. By order dated 12.3.2013 this Court granted an interim direction to the 2<sup>nd</sup> respondent to include the petitioner as a candidate in Ext.P6 final list of candidates and to permit him to contest the election which was scheduled to be conducted on 13.3.2013, subject to further orders in this writ petition.

3. In spite of service of notice none of the respondents have chosen to file any counter affidavit.

In view of the interim order granted by this Court on 12.3.2013, no further orders are required in this writ petition. In the result, this writ petition is disposed of in terms of the aforesaid interim order.

Sd/-

**ANIL K.NARENDRA, JUDGE**

skj