

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 4634 of 2015 (D)

PETITIONER :

**THAMPAN NAIR
S/O.KUNHIKANNAN NAIR,
AGED 60 YEARS, 'THEJAS', PADINJATTAM
KOZHUVAD, NILESHWAR,
KASARGODE DISTRICT - 671 314**

**BY ADVS.SRI.V.B.HARI NARAYANAN
SRI.A.V.VAMANAKUMAR**

RESPONDENT(S) :

- 1. THE DISTRICT REGISTRAR
OFFICE OF THE DISTRICT REGISTRAR, CIVIL STATION
BIDYA NAGAR, KASARAGOD, PIN-671 123.**
- 2. N.K.BALAKRISHNAN MEMORIAL TRUST
REG.NO.188/98, REP.BY ITS GENERAL SECRETARY
DOOR NO.84, WARD NO.II, NILESHWAR
PIN-671 314**
- 3. THE RETURNING OFFICER
N.K.BALAKRISHNAN MEMORIAL TRUST,
DOOR NO.84, WARD NO.II, NILESHWAR
PIN-671 314**

R1 & R3 BY SR. GOVT. PLEADER SRI. MUHAMMED SHAFI M.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 4634 of 2015 (D)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1 - A COPY OF THE AMENDED BY-LAWS OF THE TRUST.**
- EXT.P2 - A COPY OF THE NOTIFICATION DATED 12-1-2015 ISSUED BY THE 3RD
RESPONDENT.**
- EXT.P3 - A COPY OF THE DETAILS OF NOMINATIONS RECEIVED FOR THE
EXECUTIVE COMMITTEE.**
- EXT.P4 - A COPY OF REPRESENTATION DATED 31-1-2015 SUBMITTED BY THE
PETITIONER AND OTHER MEMBERS BEFORE THE 3RD RESPONDENT.**
- EXT.P5 - A COPY OF THE COMPLAINT DATED 9-2-2015 SUBMITTED BY
PETITIONER BEFORE THE 1ST RESPONDENT.**
- EXT.P6 - A COPY OF THE LIST OF CANDIDATE PUBLISHED BY 3RD
RESPONDENT.**

RESPONDENT(S)' EXHIBITS : **NIL**

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.4634 of 2015

Dated this the 13th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) To issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to consider and pass orders on Ext.P5 as expeditiously as possible.

ii) To issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to conduct the election to the executive committee of the 2nd respondent Trust for the year 2014-2017 strictly in accordance with the provisions of the bylaws.

iii) To declare that the 3rd respondent cannot include the name of B and C class members in the category reserved for being filled up from A class membership before the election process to the Executive Committee is complete.

AND

iv) To pass such other and further orders as are deemed fit and proper in the facts and circumstances of the case."

2. Heard the learned counsel for the petitioner, the learned Government Pleader appearing for the 1st respondent and also the learned counsel appearing for respondents 2 and 3 as well.

3. After hearing both the sides, the writ petition is disposed of, directing the 1st respondent to consider and pass appropriate

orders on Ext.P5, in accordance with law, after affording an opportunity of hearing to the petitioner and other interested parties, including the 2nd respondent. This shall be done at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The outcome of the election scheduled to be held on 15.02.2015 shall be subject to the result of the order to be passed by the first respondent as above.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the first respondent, for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE**

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