

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C).No. 5451 of 2015 (F)

PETITIONER(S):

M/S.MOOLATHARA SERVICE CO-OPERATIVE BANK LTD.NO.P-518
MEENAKSHIPURAM P.O., CHITTUR TALUK, PALAKKAD DISTRICT
REPRESENTED BY ITS SECRETARY IN CHARGE, C. VIJAYAN.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.

R BY SPL.GOVERNMENT PLEADER SRI.D.SOMASUNDARAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 5451 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE NOTIFICATION G.O(P)142/2014/CO-OP DATED
25/11/2014 ISSUED BY THE GOVERNMENT OF KERALA CO-OPERATION
(B) DEPARTMENT, AS SRO NO. 733/2014

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.5451 of 2015

Dated this the 2nd day of March, 2015

J U D G M E N T

The written instructions obtained by the Special Government Pleader has been made available. The relevant part of it reads as follows:-

“It is submitted that rule 35A 6(3) in clause (n) insists that the voter should produce his identity card issued by the society as proof of his membership and any of the documents mentioned in clause (b) to cast his vote in the election to the Managing Committee of the society. It has not been insisted in the rule that the “other document” produced by the member shall be in the address mentioned in the identity card issued by the petitioner Bank. So it is submitted that a member can cast his vote by producing the identity card issued by the petitioner Bank and other documents stated in clause (b) eventhough the address of the “other document” stands different. Any person who is a citizen of India will hold anyone of the 8 documents of any state in the union of India. There is no question of inconvenience to the members in producing two documents for casting their vote.”

2. Therefore any difference in the address shown in the identity card issued by the Election

Commission of India and the identity card issued by the Society does not matter. It would suffice that a voter produces any one of the documents mentioned in the Explanation to Rule 35A (6)(ix) of the Kerala Co-operative Societies Rules. There is therefore no necessity to challenge Ext.P1 notification whereby Rule 35A(6)(3)(n)(ix) of the Rules is amended.

The Writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.