

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5957 of 2015 (T)

PETITIONERS:

- 1. SURENDRAN K.P., AGED 45 YEARS
S/O.PAPPAN, KARIKKALLIL HOUSE, PADAMUGHAM P.O.
VATHUKUDY-685 604, IDUKKI DISTRICT.**
- 2. MATHEW THOMAS, AGED 47 YEARS
S/O.THOMAS, KIZHAKKEBHAGATHU, THOPRAMKUDY PO-685 609
IDUKKI DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL**

RESPONDENTS:

- 1. THE RETURNING OFFICER,
THOPRAMKUDY SERVICE CO-OPERATIVE BANK (A & E INSPECTOR
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
UDUMBANCHOLA), THOPRAMKUDY-685 609, IDUKKI DISTRICT.**
- 2. THE ELECTORAL OFFICER,
THOPRAMKUDY SERVICE CO-OPERATIVE BANK
(ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
UDUMBANCHOLA) THOPRAMKUDY-685 609, IDUKKI DISTRICT.**
- 3. STATE CO-OPERATIVE ELECTION COMMISSION,
THIRUVANANTHAPURAM-695 001.**
- 4. THE THOPRAMKUDY SERVICE CO-OPERATIVE BANK LTD.NO.K.432,
THOPRAMKUDY-685 609, IDUKKI DISTRICT.**

BY SPL. GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 5957 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : A TRUE COPY OF THE ELECTION NOTIFICATION DATED 30-01-2015.**
- EXT P2 : A TRUE COPY OF THE NOTICE PUBLISHING THE FINAL VOTERS LIST, DATED 19-02-2015.**
- EXT P3 : A TRUE COPY OF THE VOTERS LIST OF WARD NO.VIII.**
- EXT P4 : A TRUE COPY OF THE REPLY DATED 20-02-2015 ISSUED BY THE ELECTORAL OFFICER**
- EXT P5 : A TRUE COPY OF THE LIST OF MEMBERS WHO WERE REMOVED FROM THE FINAL VOTERS LIST.**
- EXT P6 : A TRUE COPY OF THE RELEVANT EXTRACTS FROM THE ADMISSION REGISTER IN RESPECT OF THE ENROLLMENT OF THE 2ND PETITIONER.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 5957 OF 2015

Dated this the 25th day of February, 2015

JUDGMENT

The petitioners contend that a sizable number of members have been axed from the voters list on the basis of Rule 18A of the Kerala Co-operative Societies Rules. The Special Government Pleader points out that the necessity to adhere to Rule 18A of the Kerala Co-operative Societies Rules has already been reiterated in **Kalladikode Service Co-operative Bank Ltd. v. State of Kerala [2015 (1) KLT 438]**.

2. I find that the election process is on going by Ext. P1 election calender. The final voters list was published on 19.02.2015 and the list of candidates would be published on 28.02.2015. The challenge to the voters list at this stage in a writ petition cannot be countenanced when there exists an effective alternative remedy.

3. The petitioners can as well file an election petition calling in aid Section 69 of the Kerala Co-operative Societies Act. The challenge to the voters list can be effectively made in

the said election petition also. Hence I decline jurisdiction following **Shri. Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another v. State of Maharashtra and Others [(2001) 8 SCC 509]** .

The writ petition is dismissed without prejudice to the right of the petitioners as above.

**V. CHITAMBARESH
JUDGE**

DCS