

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 9798 of 2012 (Y)

PETITIONER(S):

- 1. T.NANDAKUMAR AGED 50 YEARS
S/O.A.GOVINDAN NAIR, ARIMBORATH HOUSE
MULLUR-PARAPPUR P.O.-680552, THRISSUR DISTRICT.**
- 2. P.K.VIJAYAN, AGED 49 YEARS
S/O.KOCHAMMANI AMMA, PULINCHERY KAYAMPILLY HOUSE
P.O.THLOOR-PARAPPUR (VIA) - 680552
THRISSUR DISTRICT.**
- 3. MURALEEDHARAN.P.D. AGED 49 YEARS
S/O.DAMODARA MENON, PUTHIYEDATH HOUSE
P.O.THLOOR-PARAPPUR (VIA)-680 552
THRISSUR DISTRICT.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY, CO-OPERATIVE DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
CO-OPERATIVE BHAVAN, THIRUVANANTHAPURAM-695001.**
- 3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
AYYANTHOLE, THRISSUR DISTRICT-680 003.**
- 4. ASSISTANT REGISTRAR (GENERAL) AND ADMINISTRATOR,
CO-OPERATIVE SOCIETIES, AYYANTHOLE
THRISSUR DISTRICT-680003.**
- 5. THLOOR GRAMA PANCHAYATH VYAPARI VYAVASAYI CO-OPERATIVE
SOCIETY LTD.NO.R-1192,
P.O.PARAPPUR
THRISSUR-680552 REPRESENTED BY ITS SECRETARY.**

(CNTD)

6. THE SECRETARY,
THOLOOR GRAMA PANCHAYATH VYAPAARI VYVASAYI
CO-OPERATIVE SOCIETY LTD.NO.R-1192
P.O.PARAPPUR, THRISSUR-680552.
7. KARUPPAKUTTY A.V.
S/O.VELAYUDHAN, ALIKKAL HOUSE, THOLOOR P.O.-680 552
THRISSUR DISTRICT.
8. M.SETHUMADHAVAN,
S/O.PADMANABHAN, MADAVAKKAT HOUSE, P.O.EDAKALATHUR
THRISSUR-680 552.
9. THANKAM MADHUSOODANAN,
W/O.MADHUSOODANAN, PUNNAKATT HOUSE, P.O.THOLUR
THRISSUR-680552.
10. K.K.ASOKAN,
S/O.KARAPPAN, KUNNATHULLY HOUSE, P.O.EDAKALATHUR
THRISSUR-680 552.
11. K.V.VINOD,
S/O.VELAYUDHAN, KUTTALACKAL HOUSE, P.O.PONORE
THRISSUR-680552.
12. K.PRAMADAS,
S/O.PRABHAKARAN, PULINCHERRY THASHATHUVALAPPIL HOUSE
P.O.EDAKALATHUR, THRISSUR-680 552.
13. K.PANKAJAKSHAN,
S/O.KUNHIKRISHNAN, KARYATT HOUSE, MULLUR
P.O.PARAPPUR, THRISSUR-680552.

* ADDL.R14 IMPEADED

*ADDL.R14 THE RETURNING OFFICER AND INSPECTOR OF
CO-OPERATIVE SOCIETIES, ADATT UNIT,
OFFICE OF THE ASSISTANT REGISTRAR (GENERAL),
AYYANTHOLE, THRISSUR - 680 003

[ADDL. R14 IS IMPEADED AS PER ORDER DATED 29.06.2012 IN IA 8678/12]

R1-R4 BY ADV.V.K.RAFEEQ, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.9798/2012

APPENDIX

PETITIONER(S) EXHIBITS:

- EXT.P1: COPY OF THE RELEVANT PAGES OF THE BYE-LAW OF THE 5TH RESPONDENT SOCIETY.**
- EXT.P2: COPY OF THE SHARE CERTIFICATES ISSUED TO THE PETITIONERS.**
- EXT.P3: COPY OF THE LIST OF MEMBERS OF THE 5TH RESPONDENT SOCIETY.**
- EXT.P4: COPY OF THE COMPLAINT DATED 30.3.2012.**
- EXT.P5: COPY OF THE APPLICATION DATED 08.05.2012 SUBMITTED BY THE 2ND PETITIONER**
- EXT.P6: COPY OF HTE COMMUNICATION ISSUED BY THE 4TH RESPONDENT TO THE 2ND RESPONDENT DATED 07.06.2012 ALONGWITH COPY OF HTE MINUTES**
- EXT.P7: COPY OF THE APPLICATION DATED 16.05.2012 SUBMITTED BY SRI K.P.HARIDAS UNDER THE RIGHT TO INFORMATION ACT**
- EXT.P8: COPY OF THE COMMUNICATION ISSUED BY 4TH RESPONDENT TO SRI K.P.HARIDAS DATED 07.06.2012 ALONGWITH LETTER ISSUED BY THE 6TH RESPONDENT**
- EXT.P9: COPY OF HTE NOTICE DATED 25.03.2012**
- EXT.P10: COPY OF HTE COMPLAINT DATED 27.04.2012 SUBMITTED BEFORE THE REGISTRAR**
- EXT.P11: COPY OF THE OBJECTION (REPRESENTATION) DATED 22.06.2012 TOGETHER WITH ENDORSEMENT**
- EXT.P12: COPY OF THE NOTICE REGARDING ELECTION ISSUED BY 14TH RESPONDENT**
- EXT.P13: COPY OF THE NOTICE DATED 06.07.2012**
- EXT.P14: COPY OF THE COMPLAINT FILED BY THE 1ST PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM**

EXT.P15: COPY OF HTE FIR

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

PA TO JUDGE
JV

ANIL K. NARENDRA, J.

W.P.(C) No.9798 of 2012

Dated this the 06th day of October, 2015

JUDGMENT

The petitioners have filed this writ petition seeking a writ of mandamus commanding respondents 1 to 3 to conduct election to the Board of Directors of the 5th respondent Co-operative Society within a time limit that may be fixed by this Court and for other consequential reliefs.

2. Today, when the case was taken up for final hearing, the learned counsel for the petitioners submitted that election to the Board of Directors of the said Society is already over and the newly elected Committee took charge on 15.07.2012. The learned counsel also submitted that the aforesaid election was the subject matter in A.R.C.No.41/2012 before the Co-operative Arbitration Court (Northern), Kozhikode. The said election petition ended in dismissal by order dated 19.05.2012. The 2nd petitioner herein is one among the petitioners in that election petition and the 2nd petitioner propose to challenge the aforesaid order passed by the Arbitration Court in appropriate

proceedings. Therefore the learned counsel for the petitioners would submit that this writ petition may be closed leaving open all the contentions raised in the writ petition and without prejudice to the right of the 2nd petitioner to challenge the aforesaid order of the Arbitration Court in appropriate proceedings.

Recording the aforesaid submission made by the learned counsel for the petitioner, this writ petition is closed leaving open all the contentions raised by the petitioners and without prejudice to the right of the 2nd petitioner to challenge the aforesaid order passed by the Co-operative Arbitration Court.

SD/-
ANIL K. NARENDRA,
JUDGE

JV