

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 6767 of 2015 (U)

PETITIONERS:

- 1. KUMILY SCHEDULED CASTE SERVICE CO-OPERATIVE SOCIETY LTD. NO. 1 195, KUMILY P.O., IDUKKI REPRESENTED BY ITS PRESIDENT**
- 2. P. RAJAN, AGED 38 YEARS
S/O. PONNAIAH, RESIDING AT VALIYAKANDATHIL HOUSE
CHELIMADA, KUMILY P.O., IDUKKI DISTRICT**

**BY ADVS.SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW
SRI.ASWIN.P.JOHN**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, SECRETARIAT, THIRUVANANTHAPURAM - 695 001**
- 2. KERALA STATE CO-OPERATIVE ELECTION COMMISSION, CO-BANK TOWERS, TRIVANDRUM - 695 033**
- 3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) PAINAVU P.O., IDUKKI - 685 509**
- 4. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) PEERMADE P.O., PEERMADE, IDUKKI - 685 509**
- 5. KUMILY SCHEDULED CASTE SERVICE CO-OPERATIVE SOCIETY LTD. NO. 1 195, KUMILY P.O., IDUKKI REPRESENTED BY ITS SECRETARY - 685 509**

BY SPL. GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

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

DCS

WP(C).No. 6767 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : COPY OF THE RESOLUTION DATED 05.01.2015 TO HOLD THE ELECTION
ON 05.03.2015 FROM 7.A.M TO 5 P.M. IN THE OFFICE OF THE SOCIETY**

**P2 : COPY OF THE COMMUNICATION NO. E. (2)/680/2015/SCEC DATED
13.02.2015 ISSUED BY THE 2ND RESPONDENT**

**P3 : COPY OF THE REPRESENTATION DATED 22.2.2015 SUBMITTED BY THE
PETITIONERS**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 6767 OF 2015

Dated this the 03rd day of March, 2015

JUDGMENT

The term of the Managing Committee in office of the fifth respondent society expires on 06.03.2015. It is not possible to conduct a fresh election before that date due to the delay in receiving the resolution by the Kerala State Co-operative Election Commission. Such resolution should have been taken sixty days prior to the date of expiration of the term of the Managing Committee and sent by registered post through the Registrar to the Kerala State Co-operative Election Commission.

2. The management of the society going to the hands of an Administrator after 06.03.2015 is inevitable. The Administrator soon after assuming office shall take steps for the conduct of election. The voters list shall be pruned in accordance with Rule 18A of the Kerala Co-operative Societies Rules, 1969.

3. A resolution shall be taken fixing the date and time of the election under Rule 35A of the Kerala Co-operative Societies Rules. It shall be ensured that a newly elected Managing Committee assumes office within a period of four months from 07.03.2015.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS