

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 6880 of 2015 (H)

PETITIONER :

S.SATHEESH KUMAR AGED 43 YEARS
S/O.SUKUMARAN NAIR, PRESIDENT
PALlichal CO-OPERATIVE SOCIETY LD. NO.1218
ARIKKADAMUKKU, NEMOM P.O.
THIRUVANANTHAPURAM - 695 020, RESIDING AT "DHARAM"
PALlichal, NEMOM, THIRUVANANTHAPURAM - 695 020.

BY ADV. SMT.K.K.CHANDRALEKHA

RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
CO-OPERATIVE DEPARTMENT, GOVERNMENT OF KERALA
THIRUVANANTHAPURAM - 695 001.
2. THE KERALA CO-OPERATIVE ELECTION COMMISSION,
THIRUVANANTHAPURAM - 695 001.
3. THE ELECTORAL OFFICER (ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL)
NEYATTINKARA CIRCLE, THIRUVANANTHAPURAM - 695 121.
4. THE RETURNING OFFICER (UNIT INSPECTOR,
BALARAMAPURAM)
OFFICE OF ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL)
NEYATTINKARA CIRCLE, THIRUVANANTHAPURAM - 695 121.
5. THE SUPERINTENDENT OF POLICE (RURAL),
THIRUVANANTHAPURAM - 695 001
6. THE CIRCLE INSPECTOR OF POLICE,
NEYATTINKARA, THIRUVANANTHAPURAM - 695 121.
7. PALlichal CO-OPERATIVE SOCIETY LD NO.T.1218,
ARIKKADAMUKKU, NEMOM P.O.
THIRUVANANTHAPURAM - 695 020
REPRESENTED BY ITS SECRETARY

BY STATE ATTORNEY, SRI. P. VIJAYARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 6880 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1: TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.

EXT.P2: TRUE COPY OF THE JUDGMENT DATED 11/03/2010 IN WPC NO.7483/2010 OF THIS HON'BLE COURT.

EXT.P3: TRUE COPY OF THE RESOLUTION DATED 7/2/2015 ALONG WITH ENGLISH TRANSLATION.

EXT.P4: TRUE COPY OF REQUEST DATED 24/02/2015 SUBMITTED BEFORE THE 4TH RESPONDENT ALONG WITH ENGLISH TRANSLATION.

EXT.P5: TRUE COPY OF REQUEST DATED 24/02/2015 SUBMITTED BEFORE THE 5TH RESPONDENT ALONG WITH ENGLISH TRANSLATION.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 6880 OF 2015

Dated this the 4th day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioner and learned State Attorney appearing for the State.

2. By this writ petition, the petitioner has prayed for a mandamus directing 5th and 6th respondents to provide adequate police protection for the fair and free Election to the Managing Committee of Pallichal Co-operative Society Ltd. No.T-1218, scheduled to be held on 11.03.2015.

3. The learned State Attorney, after obtaining instructions, submits that, Circular No.28 of 2013 dated 20.11.2013 has already been issued by the State Police Chief instructing all police officers to ensure that election to the Managing Committees of Co-operative Societies are conducted smoothly without any disturbances to the law and order. The said circular has been issued in compliance of the Division Bench judgment dated 17.10.2013 in W.P.(C) No.24603 of

2013. It is useful to quote the directions issued by the State Police Chief on 20.11.2013, which read as follows:-

"1. The police should ensure that the elections to the managing committees of co-operative societies within their jurisdiction are conducted smoothly without any disturbances to the law and order.

2. On receiving information about any impending election, the concerned Station House Officer is to inquire with the Returning Officer as to whether or not he expects any disturbances in the election and if necessary provide such police assistance required to conduct the elections smoothly.

3. The District Police Chief will ensure that the orders of the High Court regarding the conduct of election to various co-operative societies are strictly complied with."

4. In view of general directions as noted above, police authorities are obliged to take steps to ensure that elections are conducted peacefully without any disturbances. Returning Officer may also request for necessary police assistance for conduct of election, if so required. There being already the above directions by Police Chief, as noted above, it is observed that, proper measures would be taken for conduct of election.

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-:3:-

With the above observations, the writ petition is disposed of.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**

ttb/04/03