

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7377 of 2015 (V)

PETITIONER:

RAJEEV N., AGED 38 YEARS, S/O N. GOVINDAN (LATE),
NADAKKAVIL HOUSE, AKKIPPADAM, PAYYANADAM P.O.,
NADAKKAVU-678 583, PALAKKAD DISTRICT.

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

RESPONDENTS:

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), PALAKKAD-678001.
2. THE KUMARAMPUTHUR SERVICE CO-OPERATIVE BANK LTD. NO. P.373, MANNARKKAD COLLEGE P.O.-678583, PALAKKAD DISTRICT.
3. THE ADMINISTRATIVE COMMITTEE, KUMARAMPUTHUR SERVICE CO-OPERATIVE BANK LTD. NO. P.373, MANNARKKAD COLLEGE P.O.-678583, PALAKKAD DISTRICT- REPRESENTED BY ITS CONVENER.
4. K.P. HAMZA, KUZHIYILPEEDIKA HOUSE, CHANGILERI P.O. -678 762 PALAKKAD DISTRICT.
5. SRI. ARSAL ERERATH, ERERATH HOSUE, PALLIKUNNU P.O.-678583 KUMARAMPUTHUR, PALAKKAD DISTRICT.
6. JAMAL K.M., S/O MOIDU, KIZHAKKETHIL, PAYYANADAM P.O.-678583, MANNARKKAD PALAKKAD DISTRICT.

R2-R6 BY ADV. SRI. B. S. SWATHY KUMAR
R2-R6 BY ADV. SRI. A. K. RAJESH
R2-R6 BY ADV. SRI. VENKATESH GOPI
R2-R6 BY ADV. SMT. T. RESHMA
BY SPECIAL GOVERNMENT PLEADER SRI. D. SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : A TRUE COPY OF THE ORDER NO.7680/14/O DATED 17.9.2014.
- EXHIBIT P2 : A TRUE COPY OF THE RELEVANT EXTRACT FROM THE PROCEEDINGS OF THE RETURNING OFFICER OF THE ELECTION CONDUCTED IN THE YEAR 2009.
- EXHIBIT P3 : A TRUE COPY OF HTE AWARD PASSED AGAINST THE FIRST RESPONDENT BY THE ARBITRATOR, FOR AN AMOUNT OF RS.1,74,435/- WITH INTEREST.
- EXHIBIT P4 : A TRUE COPY OF THE REPORT SHOWING TYHE ENROLLMENT OF THE MEMBERS OF ACCEPTING SHARE AMOUNT BY THE ADMINISTRATIVE COMMITTEE.
- EXHIBIT P5 : A TRUE COPY OF THE REPRESENTATION DATED 30.12.2014 SUBMITTED BEFORE THE FIRST RESPONDENT.
- EXHIBIT P6 : A TRUE COPY OF THE JUDGMENT DATED 3.2.2015 IN WPC NO.3033 OF 2015.
- EXHIBIT P7 : A TRUE COPY OF THE JUDGMENT DATED 9.1.2015 IN WPC NO.774 OF 2015.
- EXHIBIT P8 : A TRUE COPY OF THE WRITTEN STATEMENT SUBMITTED BY THE ADMINISTRATIVE COMMITTEE MEMBERS IN THE PROCEEDINGS BEFORE THE JOINT REGISTRAR.
- EXHIBIT P9 : A TRUE COPY OF THE LIST OF PERSONS AN AMOUNT OF ADVERTISEMENT.
- EXHIBIT P10 : A TRUE COPY OF THE LIST SHOWING THE NAME OF THE PERSONS AN AMOUNT OF DONATION.
- EXHIBIT P11 : A TRUE COPY OF THE LIST OF PERSONS AND DISTRIBUTED FROM COMMON GOOD FUND.
- EXHIBIT P12 : A TRUE COPY OF THE ORDER NO.590/2015/CRP DATED 18.2.2015.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 7377 OF 2015

Dated this the 9th day of March, 2015

JUDGMENT

The allegations hurled against the Administrative Committee by the petitioner have been turned down by the first respondent Joint Registrar by Ext.P12 order. Many disputed questions of fact require to be proved for a full pledged adjudication. The proper remedy of the petitioner is to file an appeal to the government under Section 83(1)(j) of the Kerala Co-operative Societies Act, 1969.

2. Any appeal filed within one week from today shall be dealt with by the authority concerned within three months. Needless to say that the petitioner is at liberty to apply for interim reliefs also in the appeal to subserve the ends of justice. The motion made for interim reliefs shall be considered on or before 18.03.2015 since the term of the Administrative Committee expires on 19.03.2015.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**