

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

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

WP(C).No. 7431 of 2015 (D)

PETITIONER :

KOTTUKAL SERVICE CO-OPERATIVE BANK LTD.NO.T 196
REPRESENTED BY ITS SECRETARY IN-CHARGE, KOTTUKAL P.O.,
THIRUVANANTHAPURAM, PIN - 695 501.

BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.V.VARGHESE
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SMT.L.ANNAPOORNA

RESPONDENTS :

1. THE SUB INSPECTOR OF POLICE,
VIZHINJAM POLICE STATION, VIZHINJAM P.O.,
THIRUVANANTHAPURAM, PIN - 695 521.
2. THE CIRCLE INSPECTOR OF POLICE,
VIZHINJAM, VIZHINJAM P.O.,
THIRUVANANTHAPURAM, PIN - 695 521.
3. STATE CO-OPERATIVE CHIEF ELECTION COMMISSIONER,
THIRUVANANTHAPURAM, PIN - 695 033.
4. RETURNING OFFICER FOR ELECTION TO THE BOARD OF
DIRECTORS OF KOTTUKAL SERVICE CO-OPERATIVE BANK
LTD. NO.T 196 AND INSPECTOR OF CO-OPERATIVE SOCIETIES,
VIZHINJAM UNIT, OFFICE OF THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES, (GENERAL), NEYYATTINKARA,
THIRUVANANTHAPURAM, PIN - 695 121.
5. BINU T.S., S/O.SREEKANTAN NAIR,
'THIRUVATHIRA', PUNNAKULAM, KOTTUKAL P.O.,
THIRUVANANTHAPURAM, PIN - 695 501.

R1 TO R3 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN.

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:

EXT.P1 : TRUE COPY OF THE ELECTION NOTIFICATION NO.E(1) 163/2015/SCEC DATED 27.01.2015 OF THE STATE CO-OPERATIVE CHIEF ELECTION COMMISSIONER.

EXT.P2 : TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P1.

EXT.P3 : TRUE COPY OF THE REPRESENTATION DATED 08.03.2015 WAS SUBMITTED BY THE SECRETARY-IN-CHARGE OF THE BANK ALONG WITH THE PRESIDENT AND FOUR OTHERS INCLUDING SOME OF THE PRESENT BOARD MEMBERS, BEFORE THE 1ST RESPONDENT.

EXT.P4 : TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P3.

EXT.P5 : TRUE COPY OF THE REPRESENTATION WAS SUBMITTED BY THE SECRETARY-IN-CHARGE OF THE BANK BEFORE THE 2ND RESPONDENT.

EXT.P6 : TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT P5.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.P.(C) No. 7431 OF 2015

Dated this the 9th 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 1st and 2nd respondents to afford adequate police protection for the smooth conduct of Election to the Board of Directors of Kottukal Service Co-operative Bank Ltd. No.T-196, 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/09/03