

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 7725 of 2014 (M)

PETITIONER:

VILAPPIL SERVICE CO-OPERATIVE BANK LIMITED
NO.2522, PEYAD, THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY ITS SECRETARY, ANIL KUMAR
S/O. MADANAPPAN NAIR, AGED 53 YEARS.

BY ADV. SRI. BABU S. NAIR

RESPONDENTS:

1. THE CHIEF CONSERVATOR OF FORESTS,
FOREST HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM PIN 695 014.
2. THE SENIOR ADMINISTRATIVE ASSISTANT,
OFFICE OF THE CHIEF CONSERVATOR OF FOREST,
FOREST HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM PIN 695 014.
3. S.R. ROBERT, RATNAVILASAM,
VADAKKEVILA, KOOVALASSERY P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN 695 512.
4. M.K. LALITHA KUMARI, I/A, FOREST QUARTERS,
S.F. COMPLEX, VATTIYOORKAVU P.O.,
THIRUVANANTHAPURAM DISTRICT PIN 695 013.

BY GOVERNMENT PLEADER SRI. P. FAZIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 COPY OF THE NON-LIABILITY CERTIFICATE ISSUED BY THE 1ST AND 2ND
RESPONDENTS IN RESPECT OF THE 3RD RESPONDENT.
- EXHIBIT P2 COPY OF THE NON-LIABILITY CERTIFICATE ISSUED BY THE 1ST AND 2ND
RESPONDENTS IN RESPECT OF THE 4TH RESPONDENT
- EXHIBIT P3 COPY OF THE REQUISITION ISSUED BY THE PETITIONER TO THE 1ST
RESPONDENT DATED 31/5/2008 UNDER SECTION 37 OF THE KERALA CO-
OPERATIVE SOCIETIES ACT
- EXHIBIT P4 COPY OF THE REQUISITION ISSUED BY THE PETITIONER TO THE 2ND
RESPONDENT DATED 31/5/2008 UNDER SECTION 37 OF THE KERALA
CO-OPERATIVE SOCIETIES ACT

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 7725 OF 2014

Dated this the 5th day of January, 2015

JUDGMENT

Respondents 3 and 4 are said to be the sureties to a loan availed from the petitioner bank. The principal loanee has however not been impleaded in the Writ Petition. Respondents 3 and 4 are said to be the employees of the Forest Department. The prayer in the Writ Petition is to recover the amounts due to the petitioner bank from respondents 3 and 4.

2. The remedy if any of the petitioner is only to invoke Section 69 of the Kerala Co-operative Societies Act. A Writ Petition of the nature filed is not maintainable in view of the **Chengamanad Service Co-operative Bank Ltd. Vs. Mohanan [2009 (3) KLT 623]**. Even otherwise no relief could be granted without the principal loanee on the party array.

The Writ Petition is hence dismissed. No costs.

**V. CHITAMBARESH
JUDGE**