

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 12557 of 2013 (T)

PETITIONER:

**THE BOARD OF DIRECTORS OF THE NANMINDA RURAL
CO-OP ERATIVE HOUSING SOCIETY LIMITED NO. D 1988,
POST NANMINDA, KOZHIKODE
REPRESENTED BY ITS PRESIDENT.**

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
CO-OPERATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
KOZHIKODE - 673 001**
- 3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
KOZHIKODE. - 673 001**

*** ADDL R4 IS IMPEADED**

- 4. VSUDHEER
S/O.BHASKARAN, VETTAKKAL HOUSE, NANMANDA.P.O.
KOZHIKODE -673 613.**

**ADDL. R4 IS IMPEADED AS PER ORDER DATED 12.08.2013 IN IA
10653/2013.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
ADDL.R4 BY ADV. SRI.P.RAVINDRAN (SR.)
SRI.M.R.SABU**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 12557 of 2013 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PROCEEDINGS OF THE ELECTION.

**EXHIBIT P2: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD
RESPONDENT DATED 5.4.2013.**

**EXHIBIT P3: TRUE COPY OF THE REPRESENTATION FILED BY THE PRESIDENT
OF THE SOCIETY.**

**EXHIBIT P4: TRUE COPY OF THE WRITTEN SUBMISSION MADE BY THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS:-

**EXHIBIT R4(a): TRUE COPY OF THE JUDGMENT IN W.P.(C). NO. 3899/2011
DATED 10.02.2011**

**EXHIBIT R4(b): TRUE COPY OF THE COMMON JUDGMENT IN W.P.(C) NO.
22225/2010 DATED 20.08.2010**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 12557 OF 2013

Dated this the 10th day of February, 2015

JUDGMENT

The election to the Managing Committee of the Nanminda Rural Co-operative Housing Society Limited took place as early as on 20.03.2011. The results were declared on 09.04.2011 and the term of the Managing Committee in office expires on 19.03.2016. More than half of the term is over and the voters list for the ensuing election has to be pruned in accordance with Rule 18A of the Kerala Co-operative Societies Rules.

2. The State Co-operative Election Commission though empowered under Section 28B of the Kerala Co-operative Societies Act (for short the 'Act') did not intervene in the election. No dispute was ever raised either by a voter or a candidate calling in question the election under Section 69(3) of the Act. The entitlement of the additional fourth respondent or any other person to figure in the voters list could have as well been urged at the appropriate time.

3. No purpose would be served by the Managing Committee elected to office itself considering the complaint as regards the voters list. This is precisely the issue projected in Ext. P2 notice of hearing issued by the third respondent

Assistant Registrar of Co-operative Societies. Ext. P2 notice is an abuse of process and any hearing conducted by the third respondent is an exercise in futility.

4. I quash Ext. P2 notice leaving open the right of the additional fourth respondent or any one to rake up the issue of the right to vote in the ensuing election.

The writ petition is allowed. No costs.

**V. CHITAMBARESH
JUDGE**

DCS