

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 10985 of 2015 (W)

PETITIONER:

REGHUNANDANAN N.J., (FORMER MANAGING DIRECTOR,
OTTAPPALAM TALUK RUBBER MARKETING CO-OPERATIVE
SOCIETY LTD. NO. P 1027, KOTTAPPURAM), REKHA SADAN,
KOTTAPPURAM P.O., SREEKRISHNAPURAM, PALAKKAD DISTRICT 679 513.

BY ADV. SRI. WILSON URMESE

RESPONDENTS:

1. THE JOINT REGISTRAR, CO-OP. SOCIETIES (GENERAL),
PALAKKAD PIN 678 001.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM PIN 695 001.
3. THE OTTAPPALAM TALUK RUBBER MARKETING
CO-OPERATIVE SOCIETY LTD. NO. P 1027,
KOTTAPPURAM P.O., SREEKRISHNAPURAM,
PALAKKAD - 679 518. REPRESENTED BY ITS ADMINISTRATOR.

BY GOVERNMENT PLEADER SRI. K.K. SAIDALAVI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE NOTICE NO. 1812/03/ST DATED 19.07.2008 OF THE 1ST RESPONDENT.
- EXHIBIT P2 : TRUE COPY OF THE NOTICE NO. 1812/03/ST DATED 18.12.2010 OF THE 1ST RESPONDENT.
- EXHIBIT P3 : TRUE COPY OF THE AUDIT REPORT FOR THE PERIOD 2002-03.
- EXHIBIT P4 : TRUE COPY OF THE AUDIT REPORT FOR THE PERIOD 2003-04.
- EXHIBIT P5 : TRUE COPY OF THE AUDIT REPORT FOR THE PERIOD 2004-05.
- EXHIBIT P6 : TRUE COPY OF THE NO. 1812/13/ST DATED 24.08.2013 OF THE 1ST RESPONDENT.
- EXHIBIT P7 : TRUE COPY OF THE REPRESENTATION/EXPLANATION DATED 08.09.2013.
- EXHIBIT P8 : TRUE COPY OF THE JUDGMENT IN WP(C) NO. 28715/2013 DATED 22.11.2013.
- EXHIBIT P9 : TRUE COPY OF THE ORDER DATED 22.11.2013 OF THE 1ST RESPONDENT.
- EXHIBIT P10 : TRUE COPY OF THE JUDGMENT DATED 20.09.2014 IN WP(C) NO. 1685/2014
- EXHIBIT P11 : TRUE COPY OF THE REPRESENTATION/LETTER DATED 07.10.2014.
- EXHIBIT P12 : TRUE COPY OF THE ORDER DATED 11.02.2015 OF THE 1ST RESPONDENT.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 10985 OF 2015

Dated this the 6th day of April, 2015

JUDGMENT

Ext.P12 order imposing liability consequent to proceedings for surcharge initiated under Section 68 of the Kerala Co-operative Societies Act, 1969 is impugned. Many factual aspects require to be adjudicated for which an appeal under Section 83(1)(j) of the Kerala Co-operative Societies Act, 1969 is the proper remedy. The contention that the petitioner cannot be singled out and that the liability if any should be fastened on the Managing Committee of the Society can be considered in the appeal. The discrepancy in the amount imposed as liability when compared to the audit report is also a matter for deeper probe in the appeal.

2. Any appeal filed within one month from today shall be disposed of by the Government within three months therefrom. Needless to say that no recovery proceedings pursuant to Ext.P12 order shall be put on motion till orders are passed in the appeal as directed above.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**