

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. 10990 of 2015 (W)

PETITIONER:

SEETHATHOD SERVICE CO-OPERATIVE BANK
LTD. NO. Q 421, REPRESENTED BY ITS PRESIDENT
SEETHATHOD P.O., PATHANAMTHITTA.

BY ADVS. SRI. P.N. MOHANAN
SRI. C.P. SABARI

RESPONDENT:

THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)
PATHANAMTHITTA - 689 645.

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

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 : A TRUE COPY OF THE CLASSIFICATION ORDER DATED 26.04.2014 OF THE JOINT REGISTRAR.
- EXHIBIT P2 : A TRUE COPY OF THE NOTIFICATION PUBLISHED IN MADHYAMAM SERIES AND DEEPIKA DAILIES DATED 17.12.2014.
- EXHIBIT P3 : A TRUE COPY OF THE ORDER DATED 27.02.2015 OF THE RESPONDENT.
- EXHIBIT P4 : A TRUE COPY OF THE NOTICE ISSUED TO THE RESCIND THE RESOLUTION OF THE APPOINTMENT OF THE WATCHMAN.
- EXHIBIT P5 : TRUE COPIES OF THE RELEVANT PORTION OF THE AUDITED SERIES BALANCE SHEET OF THE YEARS 2009-2010, 2011-1012 AND 2012-2013.
- EXHIBIT P6 : A TRUE COPY OF THE RELEVANT PORTION OF THE AUDITED BALANCE SHEET OF THE YEAR 2013-2014.
- EXHIBIT P7 : A TRUE COPY OF THE STOCK DETAILS TAKEN BY THE BANK DATED 26.03.2015.
- EXHIBIT P8 : A TRUE COPY OF THE MINUTES OF THE RESOLUTION DATED 06.01.2015 BY THE BANK.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 10990 OF 2015

Dated this the 6th day of April, 2015

JUDGMENT

Ext.P3 order of reclassification and Ext.P4 show cause notice are impugned. The petitioner has an effective alternate remedy against Ext.P3 order. An appeal lies under Section 83(1) (j) of the Kerala Co-operative Societies Act, 1969.

2. The petitioner can also respond to Ext.P4 notice. The petitioner has to be furnished with the copy of the compliant if any received. The show cause notice cannot be nipped in the bud unless the same has been issued without jurisdiction.

3. Whether there are just grounds to invoke Rule 176 of Kerala Co-operative Societies Rules is a matter yet to be considered. It shall however be ensured that the alleged appointee shall also be put on notice and heard.

The Writ Petition is dismissed subject to the above reservation.

**V. CHITAMBARESH
JUDGE**

ncd