

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 12102 of 2015 (K)

PETITIONER:

**C.VARGHESE NADAR
AGED 66 YEARS
S/O. CHELLAYYAN NADAR
V.P.SADANAM
THIRUPURAM DESOM
THIRUPURAM VILLAGE
NEYYATTINKARA TALUK**

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

- 1. THE CO-OPERATIVE ARBITRATION COURT
REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM - 695 001**
- 2. KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), REPRESENTED BY ITS SECRETARY
KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**
- 3. THE RETURNING OFFICER
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), PARASSALA BLOCK DAIRY DEVELOPMENT OFFICER
PARASSALA P.O., PIN - 695 525**
- 4. MADHU K.
MELEKANJIRAVILAKOM
THIRUPURAM PO
ELECTED MEMBER
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**

5. **ANILKUMAR P.
ANIL BHAVAN
KANCHAMPAZHANJI
ELECTED MEMBER
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**
6. **BABU A
ELECTED MEMBER
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**
7. **AUGUSTINE NADAR
MEMBER NO.154
ANTHIKUDI VEEDU
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**
8. **CHANDRAMOHAN V.
MEMBER NO. 190
V.P.MANDIRAM
THIRUPURAM
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**
9. **P. SUKUMARAN NAIR
MEMBER NO. 117
THIRUTHARA VEEDU
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**
10. **REMANI J
MEMBER NO. 313
KATILAVILA VEEDU
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**

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- 11. SELVAKUMARI
MEMBER NO. 338
AVANNAMMOOLA VEEDU
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**
- 12. SREELATHA R.
MEMBER NO. 344
KANCHAMPAZHANJI MILK PRODUCERS CO-OPERATIVE
SOCIETY LTD.
T.NO. 79(D), KANCHAMPAZHANJI P.O.,
PIN - 695 525 VIA POOVAR P.O.**

R1 BY GOVERNMENT PLEADER SRI. T. R. RAJESH

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF PLAINT DATED 20.05.2013 IN ARC NO. 36/2013 BEFORE THE 1ST RESPONDENT**
- P2 : COPY OF WRITTEN STATEMENT OF 2ND RESPONDENT DATED 3.10.2013 BEFORE THE 1ST RESPONDENT**
- P3: COPY OF DATED 3.10.2013 SEEKING TO DISMISS THE ELECTION PETITON AS NOT MAINTAINABLE BEFORE THE 1ST RESPONDENT**
- P4: COPY OF STATEMENT OF FACTS DATED 21.6.2013 BY THE THIRD RESPONDENT BEFORE THE 1ST RESPONDENT**
- P5: COPY OF WRITTEN STATEMENT DATED 30.08.2013 BY RESPONDENTS 4 TO 12 BEFORE THE 1ST RESPONDENT**
- P6: COPY OF ORDER DATED 28.10.2014 BY DEPUTY DIRECTOR OF DAIRY DEVELOPMENT**
- P7: COPY OF I.A. NO. 53/2013 DATED 30.08.2013 IN ARC NO. 36/2013 BEFORE THE 1ST RESPONDENT**
- P8: COPY OF ARGUMENT NOTE BY PETITIONER DATED 20.03.2015 BEFORE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO.12102 OF 2015

Dated this the 10th day of April, 2015

JUDGMENT

The petitioner seeks an early disposal of an arbitration case. The same is an election dispute in terms of Section 69 of the Kerala Co-operative Societies Act, 1969.

2. I dispose of the writ petition with the following directions:-

i) Exts. P3 and P7 interlocutory applications filed questioning the maintainability of arbitration case shall be considered and disposed of within one month from the date of production of a copy of this judgment.

ii) Every endeavour shall be made to dispose of A.R.C. No. 36/2013 on the file of the first respondent within a period of three months in case it is found that the arbitration case is maintainable in law.

The first respondent shall scrupulously adhere to the time limit and take necessary follow up action. The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS