

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 12637 of 2015 (D)

PETITIONERS : -

1. N .BHADRAN, (MEMBER No. 3183),
BHADRA BHAVANAM, PUTHUPPALLIKKUNNAM,
CHARUMOOD P.O., NOORANAD, ALAPPUZHA.
2. BABU N.K., (MEMBER No. 1905),
KALATHIVILAYIL, EDAKKUNNAM,
CHARUMOOD P.O., NOORANAD, ALAPPUZHA.
3. SUKUMARA PILLA S., (MEMBER No. 2606),
NARAYANAVILASADM, EDAKKUNNAM,
CHARUMOOD P.O., NOORANAD, ALAPPUZHA.
4. BALAKRISHNA PILLAI N., (MEMBER No. 3140),
NARAYANAVILASAM, EDAKKUNNAM,
CHARUMOOD P.O., NOORANAD, ALAPPUZHA.
5. INDIRAYAMMA, (MEMBER No. 1503),
EARICKAL, THATHAMUNNA,
NOORANAD, ALAPPUZHA.
6. P. KRISHNAN KUTTY, (MEMBER No. 4767),
M.R. BHAVANAM, THATHAMMUNNA,
NOORANAD P.O., ALAPPUZHA.
7. T. LEELAMMA, (MEMBER No. 3081),
M.R. BHAVANAM, THATHAMMUNNA,
NOORANAD P.O., ALAPPUZHA.
8. CHANDRAN UNNITHAN, (MEMBER No. 1988),
MEZUVELLIL, KIDANGAYAM,
PADANILAM P.O., NOORANAD, ALAPPUZHA.
9. K. BHARGAVANPILLA, (MEMBER No. 2074),
POOVAMBALLIL KIZHAKKATHIL,
KIDANGAYAM, PADANILAM. P.O., ALAPPUZHA.

10. THOMAS, (MEMBER No. 4772),
VILAYIL VEEDU, KIDANGAYAM,
PADANILAM P.O., ALAPPUZHA.
11. JOSE P., (MEMBER No. 5262),
PUTHENVEETIL, KIDANGAYAM,
PADANILAM P.O., ALAPPUZHA.
12. BABY G., (MEMBER No. 5366),
BHAGYODAYAM, KIDANGAYAM,
PADANILAM P.O., ALAPPUZHA.
13. SURENDRAN P., (MEMBER No. 3268),
ILAMULAYIL, KIDANGAYAM,
PADANILAM P.O., ALAPPUZHA.
14. JOHN, (MEMBER No. 2433),
SELINALAYAM, KIDANGAYAM,
PADANILAM P.O., ALAPPUZHA.
15. M. MURALEEDHARAKUMAR (MEMBER No. 4456),
VILAYILVEEDU, PALAMEL,
PADANILAM P.O., NOORANAD, ALAPPUZHA.
16. N. BHASKARAN, (MEMBER No. 1434),
ILLATHUKIZHAKETHIL, PALAMEL,
PADANILAM P.O., NOORANAD, ALAPPUZHA.
17. RETNAMMA, (MEMBER No. 4861),
ILLATHUKIZHAKETHIL, PALAMEL,
PADANILAM P.O., NOORANAD, ALAPPUZHA.
18. ANEESH B, (MEMBER No. 6105),
MOLIBHAVANAM, PAZHANIYOORKONAM,
PATTOOR P.O., NOORANAD, ALAPPUZHA.
19. SANTHOSHKUMAR A., (MEMBER No. 3096),
IKKAMATH, PATTOOR P.O.,
NOORANAD P.O., ALAPPUZHA.
20. PRASANNAKUMAR, (MEMBER No. 4786),
NARAYANAMANDIRAM, KIDANGAYAM,
PADANILAM P.O., ALAPPUZHA.
21. VISWANATHAN, (MEMBER No. 2954),
THUNDILPUTHENVEEDU, NEDUKULANJIMURI,
PADANILAM P.O., ALAPPUZHA.

22. LEELAMMA PAUL, (MEMBER No. 5349),
THUNDUVILAYIL, KIDANGAYAM,
PADANILAM P.O., ALAPPUZHA.
23. JOSHUA MATHEW, (MEMBER No. 3147),
PALLIVADAKKETHU, PADANILAM P.O.,
NOORANAD, ALAPPUZHA.
24. T.G. CHARLES, (MEMBER No. 5342),
THARAYILPUTHENVEEDU, KIDANGAYAM,
PADANILAM P.O., ALAPPUZHA.
25. VASAVAN, (MEMBER No. 1732),
SUNIL BHAVANAM, THATHAMUNNA,
NOORANAD P.O., ALAPPUZHA.

BY ADV.SRI.P.N.MOHANAN

RESPONDENTS : -

1. STATE CO-OP.ELECTIVE ELECTION COMMISSION,
CORPORATION OFFICE COMPLEX, LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM-695 033.
2. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
MAVELIKKARA, ALAPPUZHA ELECTORAL OFFICER TO NOORNAD
SERVICE CO-OPERATIVE BANK LIMITED NO.1559, PADANILAM.P.O.
NOORANAD, ALAPPUZHA DISTRICT-690 529.
3. UNIT INSPECTOR, NOORANAD UNIT,
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G), MAVELIKKARA,
ALAPPUZHA RETURNING OFFICER TO NOORANAD SERVICE
CO-OPERATIVE BANK LIMITED NO.1559, PADANILAM.P.O.,
NOORANAD, ALAPPUZHA DISTRICT-690 529.
4. NOORANAD SERVICE CO-OPERATIVE BANK LIMITED NO.1559,
REPRESENTED BY ADMINISTRATIVE COMMITTEE,
PADANILAM.P.O., NOORANAD, ALAPPUZHA DISTRICT-690 529.

BY Sr. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-05-2015, ALONG WITH WPC. 12492/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS : -

EXHIBIT P1 : COPY OF THE JUDGMENT DATED 6-1-2015 IN WPC NO 13899/2014.

EXHIBIT P2 : COPY OF THE VOTERS LIST PUBLISHED BY THE BANK FOR THE
ELECTION HELD ON 21-2-2009.

EXHIBIT P2(a) : COPY OF THE ENGLISH TRANSLATION OF EXT.P2

EXHIBIT P3 : COPY OF THE ELECTION NOTIFICATION DATED 12-03-2015 ISSUED
BY THE ELECTION COMMISSION.

EXHIBIT P3(a) : COPY OF THE ENGLISH TRANSLATION OF EXT.P3.

EXHIBIT P4 : COPY OF THE PRELIMINARY VOTERS LIST.

EXHIBIT P4(a) : COPY OF THE ENGLISH TRANSLATION OF EXT.P4.

EXHIBIT P5 : COPY OF THE OBJECTION FILED BY THE PETITIONERS AND 49
OTHERS.

EXHIBIT P5(a) : COPY OF THE ENGLISH TRANSLATION OF EXT.P5.

EXHIBIT P6 : COPY OF THE FINAL VOTERS LIST.

EXHIBIT P6(a) : COPY OF THE ENGLISH TRANSLATION OF EXT.P6.

EXHIBIT P7 : COPY OF THE RECEIPTS ISSUED BY THE BANK.

EXHIBIT P8 : COPY OF THE PETITION DATED 16.4.2015 FILED BY THE
PETITIONERS BEFORE THE ELECTION COMMISSION.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 12637 of 2015

&

W.P.(c) No. 12492 of 2015

Dated this the 28th day of May, 2015

JUDGMENT

Since the elections were already held, subsequent to filing of the writ petition though, I do not see any issue surviving in the present writ petition for consideration. In fact, it is the grievance of the petitioners that names of thousands of members have been excluded from the voters list and that it has caused immense prejudice to the petitioners and other excluded members, apart from resulting in farcical exercise of elections.

Be that as it may, this Court could not consider the issue on merits since elections have already been held. It is not in dispute that the petitioners have an efficacious alternative remedy by invoking Section 69 of the Kerala Co-operative Societies Act. Thus, making an observation that

the petitioners are at liberty to take appropriate legal steps ventilating their grievance, if any, this Court disposes of the writ petitions. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-