

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 12792 of 2015 (Y)

WRIT PETITIONERS : -

1. A.N. ANANDAN, MEMBERSHIP NO.3294,
ANANDAPURAM, PUTHUPALLYKUNNAM,
NOORANAD-690 504.
2. ELSAMMA VARGHESE,
MEMBERSHIP NO.3257, KOTTAYKATTAYYATH KIZHAKKATHIL,
PADANILAM, NOORANAD-690504.
3. GEORGE VARGHESE, MEMBERSHIP NO.3927,
KOTTAYKATTAYYATH KIZHAKKATHIL,
PADANILAM, NOORANAD-690504.
4. BHARGAVA PANICKER N.,
MEMBERSHIP NO.1323, VENATT KIDANGAYAM,
PADANILAM P.O., NOORANAD 690504.
5. SREEKALADEVI,
MEMBERSHIP NO.4010, MANJIPPUZHA,
PADANILAM, NOORANAD 690504.
6. R.PRASAD, MEMBERSHIP NO.3543,
KOTTOOR, KIDANGAYAM,
PADANILAM, NOORANAD 690504.
7. SUDHANMONY, MEMBERSHIP NO.4650,
KOTTOOR, KIDANGAYAM, PADANILAM, NOORANAD 690504.
8. LEKHA, MEMBERSHIP NO.5913,
KOTTOOR, KIDANGAYAM, PADANILAM, NOORANAD 690504.
9. KRISHNAKUMARI, MEMBERSHIP NO.4240,
POURNAMI, KIDANGAYAM, PADANILAM, NOORANAD 690504.
10. LEELAMMA, MEMBERSHIP NO.4531,
VALUTHUNDIL, PADANILAM, NOORANAD 690504.
11. R.VIJAYAN, MEMBERSHIP NO.3559,
PANNUTHARA KIZHAKKATHIL, PADANILAM, NOORANAD-690504.

12. K.R. SASIDHARAN PILLAI, MEMNBEERSHIP NO.4262,
KOCHUTHUNDIL THEKKATHIL,
THATHAMMUNNA, NOORANAD 690504.
13. S.MOHANAN, MEMBERSHIP NO.5304,
SUJA BHAVANAM, PADANILAM,
NOORANAD-690504.
14. SUJATHA, MEMBERSHIP NO.4680,
SUJA BHAVANAM, PADANILAM, NOORANAD-690504.
15. N. GANGADHARAN, MEMBERSHIP NO.1885,
GANGA SADANAM, PAZHANIYOORKONAM,
PADANILAM, NOORANAD 690504.
16. GOPI, MEMBERSHIP NO.3023,
PANUTHARA KIZHAKKATHI, PADANILAM, NOORANAD 690504.
17. SIVARAMAN V, MEMBERSHIP NO. 3350,
BINU BHAVANAM(KAVULLATHIL),
PADANILAM, NOORANAD-690504.
18. LATHIKA MURALI, MEMBERSHIP NO.2890,
KADUVINKALETH KIZHAKATHIL,
PADANILAM, NOORANAD 690504.
19. SHAJITHA, MEMBERSHIP NO.5594,
PILLAKKATT KUTTIYIL, PADANILAM, NOORANAD 690504.
20. REMANAN, MEMBERSHIP NO.3612,
KAVULLATHIL, PADANILAM, NOORANAD 690504.
21. REMANI, MEMBERSHIP NO.3412,
VELOLIL, PADANILAM, NOORANAD 690504.
22. HAIMAVATHY, MEMBERSHIP NO.1046,
KUTTIVILAYIL, PADANILAM, NOORANAD 690504.
23. GOPINATHAN NAIR, MEMBERSHIP NO.5751,
GOKUL BHAVANAM, PADANILAM, NOORANAD 690504.
24. SADASIVAN PILLAI S, MEMBERSHIP NO.4059,
VILAYIL VADAKKATHIL, PADANILAM, NOORANAD 690504.
25. RAVEENDRAN, MEMBERSHIP NO.3219,
VALUTHUNDIL, PADANILAM, NOORANAD 690504.

BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.MANU SEBASTIAN

RESPONDENTS : -

1. STATE CO-OPERATIVE ELECTION COMMISSION,
CORPORATION OFFICE COMPLEX, LMS JUNCTION,
PALAYAM, THIRUVANANTHAPURAM 695033.
2. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
MAVELIKKARA, ALAPPUZHA ELECTORAL OFFICER TO NOORANAND
SERVICE CO-OPERATIVE BANK LTD. NO.1559, PADANILAM PO,
NOORANAD, ALAPPUZHA DISTRICT-690 504.
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 LTD NO.1559, PADANILAM PO.,
NOORANAD, ALAPPUZHA DISTRICT 690504.
4. NOORANAD SERVICE CO-OPERATIVE BANK LTD. NO.1559,
REPRESENTED BY ADMINISTRATIVE COMMITTEE,
PADANILAM PO, NOORANAD, ALAPPUZHA DISTRICT-690504.

R1-R3 BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12792 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF VOTERS LIST PUBLISHED BY THE BANK FOR THE
ELECTION HELD ON 21.2.2009.

EXHIBIT P2 : TRUE COPY OF THE ELECTION NOTIFICATION DATED 12.3.2015
ISSUED BY THE ELECTION COMMISSION.

EXHIBIT P3 : TRUE COPY OF PRELIMINARY VOTERS LIST.

EXHIBIT P4 : TRUE COPY OF OBJECTION FILED BY 1ST PETITIONER.

EXHIBIT P5: TRUE COPY OF FINAL VOTERS LIST PUBLISHED BY 3RD
RESPONDENT.

EXHIBIT P6 : TRUE COPY OF REPRESENTATION SUBMITTED BY PETITIONERS
BEFORE THE 1ST RESPONDENT.

EXHIBIT P7 : TRUE COPY OF RECEIPT ACKNOWLEDGING RECEIPT OF EX.P6 BY
1ST RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 12792 of 2015

Dated this the 26th day of May, 2015

JUDGMENT

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Consequent to Exhibit P2 election notification to conduct elections on 02.05.2015, the authorities published preliminary voters list containing the names of 44 members. Contending that there has been an exclusion of 6550 members from the voters list without any reason, the petitioners have submitted Exhibit P4 objection before the second respondent. Later, questioning the in-action of the second respondent, the petitioners, whose names are also said to have been missing from the preliminary voters list, filed the present writ petition.

3. The learned counsel for the petitioners, as well as

the learned Government Pleader, has submitted that pending the writ petition the election was held and as such the writ petition has become infructuous. The learned counsel for the petitioners has, however, urged this Court to preserve the right of the petitioners to lay proper challenge against the exclusion of their names from the voters list before an appropriate forum in accordance with law.

4. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioners and the learned Government Pleader, the writ petition is closed as having become infructuous, owing to subsequent developments namely the completion of election process; nevertheless, leaving it open for the petitioners to explore alternative legal options to lay a proper challenge against what is said to be deliberate exclusion of their names from the voters list.

With the above observation, the writ petition stands disposed of.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-