

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 15287 of 2015 (I)

PETITIONER:

M. BABU, S/O. UNNEERI, MACHINGAL HOUSE,
KOLANGARAKANDI PARAMBU, PALATT NAGAR,
POST THIRUVANNUR, KOZHIKODE - 29.

BY ADVS. SRI. T. A. SHAJI (SR.)
SMT. NAMITHA JYOTHISH
SRI. V. VINCENT DIDACOSE

RESPONDENTS:-

1. STATE OF KERALA REPRESENTED BY
THE PRINCIPAL SECRETARY TO GOVT.
CO-OPERATION (C) DEPARTMENT,
THIRUVANANTHAPURAM.
2. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
KOZHIKODE, PIN - 673 032.
3. THE KERALA CO-OPERATIVE ELECTION COMMISSION
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.
4. THE CALICUT WEAVERS' CO-OPERATIVE (P&S)
SOCIETY LTD. NO. F 1062, PANNIYANKARA,
KOZHIKODE, PIN - 673 032
REPRESENTED BY ITS SECRETARY.
5. THE ADMINISTRATIVE COMMITTEE
THE CALICUT WEAVERS' CO-OPERATIVE (P&S)
SOCIETY LTD. NO. F 1062, PANNIYANKARA,
KOZHIKODE, PIN - 673 032
REPRESENTED BY ITS CHAIRMAN.

R4 BY ADV. SRI. V. V. SURENDRAN
R4 BY ADV. SRI. P. A. HARISH
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF JUDGMENT DATED 23.01.2015 IN W.P.(C)NO.660/2015 OF THIS HON'BLE COURT.
- EXHIBIT P2 TRUE COPY OF THE ORDER DATED 24.01.2015 OF THE 2ND RESPONDENT, ALONG WITH ITS ENGLISH VERSION.
- EXHIBIT P3 TRUE COPY OF THE NOTICE DATED 25.03.2015 ALONG WITH ITS ENGLISH VERSION RECEIVED BY THE PETITIONER.
- EXHIBIT P4 TRUE COPY OF THE NOTICE DATED 10.02.2015 ISSUED TO THE SECRETARY OF THE 4TH RESPONDENT SOCIETY, ALONG WITH ITS ENGLISH VERSION.
- EXHIBIT P5 TRUE COPY OF THE NOTICE DATED 23.03.2015 ISSUED TO THE 5TH RESPONDENT ADMINISTRATIVE COMMITTEE, ALONG WITH ITS ENGLISH VERSION.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 15287 OF 2015

Dated this the 10th day of June, 2015

JUDGMENT

The power of the administrative committee to remove ineligible members after following the procedure prescribed is beyond dispute. The decision in **Gopinathan Nair Vs. Joint Registrar [2012 (2) KLT 817]** is on the point. But such power shall be exercised only if it is conclusively established that any member is ineligible.

2. The administrative committee cannot also delay the conduct of the election especially be in the wake of Ext.P1 judgment. A resolution fixing the date and venue of election shall be passed by the administrative committee on or before 31.07.2015.

3. It shall be ensured that an election to the managing committee of the fourth respondent Society takes place on or before 30.09.2015. The Deputy Registrar who is exercising the powers of the Registrar shall see to it that a new elected managing committee assumes office on or before 01.10.2015.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**