

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C). No.19877 of 2012 (H)

PETITIONER(S):

**ERIMAYUR SERVICE CO-OPERATIVE BANK LTD.NO.P-507
ERIMAYUR P.O., PALAKKAD DISTRICT, PIN - 678546
REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
PALAKKAD - 678001.**
- 3. ALATHUR CO-OPERATIVE MARKETING SOCIETY LTD.NO.P-559,
ERIMAYUR P.O., ALATHUR, PALAKKAD DISTRICT,
PIN - 678546, REPRESENTED BY ITS SECRETARY.**

R3 BY ADVS. SRI.K.JAJU BABU (SR.)

SMT.M.U.VIJAYALAKSHMI

R1 BY GOVERNMENT PLEADER SHRI NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS:-

- EXT.P-1 TRUE COPY OF THE RELEVANT PAGES OF THE BYE LAWS OF THE PETITIONER BANK.
- EXT.P-2 TRUE COPY OF THE RELEVANT PAGES OF THE BYE LAWS OF THE 3RD RESPONDENT BANK.
- EXT.P-3 TRUE COPY OF THE COMMUNICATION NO.P.1940/2010/O. DATED 25-5-2010 ISSUED BY THE 2ND RESPONDENT.
- EXT.P-4 TRUE COPY OF THE G.O.NO.304/2011/CO-OP. DATED 25-4-2011 ISSUED BY THE 1ST RESPONDENT.
- EXT.P-5 TRUE COPY OF THE ORDER NO.3251/2011/O/K.DIS DATED 17-8-2011 GRANTING REGISTRATION FOR AMENDMENT.
- EXT.P-6 TRUE COPY OF THE OBJECTION NO.INS/BYE-LAW AMENDMENT/2012-13 DATED 30-7-2012 GIVEN BY THE PALAKKAD DISTRICT CO-OPERATIVE BANK LTD.

RESPONDENTS' EXHIBITS:- NIL

KRJ

/True Copy/

P.A to Judge

A.V.RAMAKRISHNA PILLAI, J.

=====

W.P(C) No.19877 of 2012

=====

Dated this the 31st day of March, 2015

JUDGMENT

Ext.P4 passed by the Government enabling the 3rd respondent society to engage in the credit activity within the area of the petitioner without an exemption invoking Section 101 of the Kerala Co-operative Act and Ext.P5 order passed without hearing the petitioner are under challenge in this writ petition.

2. The petitioner is a credit society. The 3rd respondent is a marketing society. The petitioner alleges that the area of operation of the petitioner and the 3rd respondent is one and the same. According to the petitioner a marketing society cannot be allowed to engage in credit activity and that too, when the area of marketing society is already occupied by a credit society. The petitioner alleges that Ext.P5 was not intimated to the petitioner and it was passed without hearing him.

3. When the matter came up for hearing, the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent to reconsider the issue after affording the petitioner an opportunity of being heard.

Therefore, the writ petition is disposed of quashing Exts.P4 and P5. The first respondent is directed to reconsider the issue after affording the petitioner and the affected parties an opportunity of being heard. This exercise shall be completed within a period of two months from the date of receipt of a copy of this judgment. It is hereby made clear that this Court has not expressed anything on the merits of the case.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj