

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

WP(C).No. 16802 of 2014 (A)

PETITIONER:

C.K.SATHEESAN, CHERIYA KOMATH,
ULIKKAL P.O., KANNUR DISTRICT,
(CHIEF PROMOTER, PROPOSED
IRITTY TALUK MERCHANTS WELFARE
CO-OPERATIVE SOCIETY)

BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL

RESPONDENT:

THE JOINT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL)
KANNUR-670 001

BY GOVERNMENT PLEADER SRI. T.R. RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE RESPONDENT.
- EXHIBIT P2 : TRUE COPY OF THE ORDER NO.880/14/O DT.14-2-2014 ISSUED BY THE RESPONDENT.
- EXHIBIT P3 : TRUE COPY OF THE LETTER DT.11-3-2014 ALONG WITH RELEVANT EXTRACTS FROM THE COPY OF THE PROPOSED BYE LAWS.
- EXHIBIT P4 : TRUE COPY OF THE ORDER DT.7-5-2014 OF THE RESPONDENT ALONG WITH THE REGISTRATION CERTIFICATE AND RELEVANT EXTRACTS FROM THE APPROVED BYE LAWS.
- EXHIBIT P5 : TRUE COPY OF THE MAP OF THE IRITTY TALUK, IN WHICH ULIKKAL IS MARKED IN RED INK BY THE PETITIONER.
- EXHIBIT P6 : TRUE COPY OF THE MINUTES OF THE FIRST GENERAL BODY MEETING OF THE SOCIETY
- EXHIBIT P7 : TRUE COPY OF THE LIST OF PROMOTERS WHICH WOULD SHOW THEIR PLACE OF RESIDENCE.

RESPONDENT(S)' EXHIBITS : NIL

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Dated this the 9th day of January, 2015

JUDGMENT

The petitioner is the chief promoter of a proposed Co-operative Society - Iritty Taluk Merchants Welfare Co-operative Society. The petitioner initially suggested 'Iritty' as the headquarters of the Society to be registered by Ext.P1 application. The respondent by Ext.P2 order suggested an alteration by making 'Payanchery' as the headquarters of the Society. The petitioner accordingly submitted Ext.P3 bye-laws of the Society for registration indicating 'Payanchery' as its headquarters.

2. The respondent is seen to have registered the bye-laws showing 'Ulikkal' as the headquarters of the Society. Such a change could not have been done without prior notice to the petitioner. Rule 4(iii) of the Kerala Co-operative Societies Rules in fact mandates the Registrar to direct the Chief Promoter to make the necessary modifications. It is for the Chief Promoter with the consent of the applicants to make the necessary

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changes and submit the application for registration. It is seen that the procedure contemplated by law has not been followed by the respondent in the instant case.

3. Ext.P4 order to the extent it registers the Society with its headquarters as 'Ulikkal' is hereby set aside. The respondent shall reconsider the issue of registration certificate as regards the headquarters afresh with notice to the petitioner. The needful shall be done within a period of two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

ncd