

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 17788 of 2015 (W)

PETITIONERS :

1. R.SATHEESAN, KOCHUVILA MELETHIL EELIYODU,
EDAKKIDAM PO, EZHUKONE, KOTTARAKKARA, KOLLAM DISTRICT
2. K.S. SAVITHRI, KOCHUVILA MELETHIL EELIYODU, EDAKKIDAM PO, EZHUKONE
KOTTARAKKARA KOLLAM DISTRICT

BY ADVS.SRI.UNNI. K.K. (EZHUMATTOOR)
SRI.VSUMESH

RESPONDENTS :

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
CO-OPERATION DEPARTMENT, GOVERNMENT OF KERALA
GOVT. SECRETARIAT, THIRUVANANTHAPURAM 695001
2. REGISTRAR OF CO-OPERATIVE SOCIETIES
OFFICE OF REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM - 695 001
3. LAND REVENUE COMMISSIONER, O/O LAND REVENUE COMMISSIONER
PUBLIC OFFICE BUILDING, MUSEUM JUNCTION THIRUVANANTHAPURAM-695 001
4. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOLLAM - 691 001
5. JOINT DIRECTOR (AUDIT), CO-OPERATIVE DEPARTMENT, CIVIL STATION,
KOLLAM - 691 001
6. ASSISTANT REGISTRAR (VALUATION), PCARD DEPARTMENT, O/O. JOINT REGISTRAR
OF CO-OPERATIVE SOCIETIES (GENERAL) CIVIL STATION, KOLLAM - 691 001
7. DISTRICT REGISTRAR (GENERAL), CIVIL STATION, KOLLAM-691001
8. PRINCIPLE SUB REGISTRAR, SUB REGISTRAR OFFICE, KOTTARAKKARA-691 531
9. KOTTARAKKARA CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT
BANK LTD, NO. Q 1511 KOTTARAKKARA 691 608
KOTTARAKKARA REPRESENTED BY ITS SECRETARY

10. MANAGING COMMITTEE, KOTTARAKKARA CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT BANK LTD NO Q 1511 KOTTARAKKARA 691 608
REPRESENTED BY ITS PRESIDENT
11. M.K. THOMAS, S/O.KUNJUKUNJU, MAMMAZHI HOUSE, CHENGAMANADU PO
MELILA VILLAGE, KOTTARAKKARA TALUK 691 557
12. JOHN VARGHESE
S/O. CHACKO YOHANNAN, NIKHIL BHAVAN, KALEEKKAL
PULAMON PO, MYLOM VILLAGE, KOTTARAKKARA TALUK 691 531
13. JYOTHI JOHN
W/O. JOHN VARGHESE, NIKHIL BHAVAN, KALEEKKAL
PULAMON PO, MYLOM VILLAGE, KOTTARAKKARA TALUK 691531

R9 & 10 BY ADVS. SRI.V.G.ARUN

SRI.T.R.HARIKUMAR

R1-R8 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE CIRCULAR NO.16/2011 DATED 18.2.2011

EXT.P2: TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 6TH RESPONDENT DATED 4.3.2015

EXT.P3: TRUE COPY OF THE SALE DEED NO.234/2015 DATED 28.1.2015 IN FAVOUR OF THE 12TH AND 13TH RESPONDENT

EXT.P4: TRUE COPY OF THE NOTICE

EXT.P5: TRUE COPY OF THE COMPLAINT FILED BY THE 1ST PETITIONER TO THE 2ND RESPONDENT DATED 5.6.2015

EXT.P6 : COPY OF THE FAIR VALUE CERTIFICATE SHOWING THE FAIR VALUE OF THE PROPERTY PURCHASED BY THE 9TH RESPONDENT

EXT.P7 : COPY OF THE COMPLAINT SUBMITTED BY THE DIRECTOR BOARD MEMBERS

RESPONDENT(S)' EXHIBITS :

EXT.R10(a) : COPY OF THE VALUATION REPORT AS SUBMITTED BY THE EXPERT COMMITTEE DATED 27/04/2015

EXT.R10(a)(i) : COPY OF THE ENGLISH TRANSLATION OF EXHIBIT -R10(a)

EXT.R10(b) : COPY OF THE ORDER NO.C.R.B 156/15 DATED 21.8.2015 OF THE 4TH RESPONDENT

EXT.R10(b)(i) : COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-R10(b)

EXT.R10(c) : COPY OF THE BOARD RESOLUTION NO.VII DATED 14.11.2014 OF THE 10TH RESPONDENT ALONG WITH ENGLISH TRANSLATION

EXT.R10(d) : COPY OF THE COVERING LETTER DATED 18.5.2015 OF THE 4TH RESPONDENT ALONG WITH ENGLISH TRANSLATION

/TRUE COPY/

PA TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P.(C).No.17788 of 2015

Dated this the 2nd day of December, 2015.

J U D G M E N T

The petitioners, the members of the 9th respondent Society, have a grievance that the Society has purchased certain immovable property without following the due process. It is said to be in violation of Ext.P1 circular. Ventilating their grievance that a lot of irregularities have taken place in the Society's purchasing the property, the petitioners have submitted Ext.P5 representation before the 2nd respondent. Eventually complaining that the said authority has not considered the petitioners' representation expeditiously, the petitioners have filed the present writ petition.

2. In response of the submissions made by the learned counsel for the petitioners, the learned Government Pleader submitted that the 2nd respondent is willing to consider the petitioners' Ext.P5 representation in accordance with law at the earliest.

3. The learned counsel for respondents 9 and 10 has strenuously contended that the Society has followed the procedure and purchased the property without violating any rule.

4. Be that as it may, it is not in dispute that Ext.P5 representation submitted by the petitioners is pending consideration before the 2nd respondent.

In view of the above facts and circumstances, this Court disposes of the writ petition with a direction to the 2nd respondent to consider petitioners' Ext.P5 representation after affording an opportunity of hearing to all concerned including the petitioners and pass appropriate orders thereon, as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this judgment. It is further made clear that, the petitioners are at liberty to raise all their contentions before the 2nd respondent.

Sd/-
DAMA SESHADRI NAIDU,
JUDGE

AV