

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 17870 of 2015 (G)

PETITIONER : -

K.ISMAIL, KURUPPRAKANDI ,  
P.O EKAROO, UNNIKULAM,  
KOZHIKODE, PIN 673 574.

BY ADV.SRI.P.PJACOB

RESPONDENTS : -

1. UNNIKULAM SERVICE CO-OPERATIVE BANK LTD.NO.D.2356,  
UNNIKULAM, P.O EKAROO,  
KOZHIKODE 673 574, REPRESENTED BY ITS SECRETARY.
2. THE RETURNING OFFICER,  
UNNIKULAM SERVICE CO-OPERATIVE BANK LTD NO 2356,  
UNNIKULAM, P.O EKAROO,  
KOZHIKODE 673 574/SPECIAL SALE OFFICER,  
PAYYOOR URBAN BANK,  
OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES(G)  
KOZHIKODE.
3. THE ELECTORAL OFFICER,  
UNNIKULAM SERVICE CO-OPERATIVE BANK LTD NO.D 2356,  
UNNIKULAM, P.O EKAROO,  
KOZHIKODE 673 574/ASSISTANT REGISTRAR OF CO-OPERATIVE  
SOCIETIES (G), KOZHIKODE.
4. THE STATE CO-OPERATIVE ELECTION COMMISSION,  
THIRUVANANTHAPURAM, 3RD FLOOR, CO-BANK TOWERS,  
PALAYAM,VIKAS BHAVAN P.O.,  
THIRUVANANTHAPURAM 695 033, REPRESENTED BY ITS SECRETARY

BY Sr. GOVERNMENT PLEADER SRI. K.C. VINCENT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX**

PETITIONER'S EXHIBITS : -  
-----

- EXT.P1 : TRUE COPY OF THE RESOLUTION NO.5 DATED 18-05-2015 OF THE ADMINISTRATIVE COMMITTEE.
- EXT.P2 : TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE MEMBERS OF THE BANK INCLUDING THE PETITIONER BEFORE THE FIRST RESPONDENT DATED NIL.
- EXT.P3 : TRUE PHTOOCOPY OF THE REPRESENTATION SUBMITTED BY THE MEMBERS OF THE BANK INCLUDING THE PETITIONER BEFORE THE JOINT REGISTRAR(G) KOPZHIKODE DATED NIL.
- EXT.P4 : TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE MEMBERS OF THE BANK INCLUDING THE PETITIONER BEFORE THE 4TH RESPONDENT DATED NIL.
- EXT.P5 : TRUE PHTOOCOPY OF THE NOTIFICATION PUBLISHED BY THE FOURTH RESPONDENT TO CONDUCT THE ELECTION DATED 4-6-2015.
- EXT.P6 : TRUE PHTOOCOPY OF THE RESOLUTION NO.4 DATED 5-6-2015 ADOPTED BY THE ADMINISTRATIVE COMMITTEE.
- EXT.P7 : TRUE PHOTOCOPY OF THE JUDGMENT IN W.P.(C) 16527/14 DATED 25-2-2015.

RESPONDENTS' EXHIBITS : - NIL.  
-----

// TRUE COPY //

P.A. TO JUDGE

DMR/-

**DAMA SESHADRI NAIDU, J.**

-----  
**W.P.(c) No. 17870 of 2015**  
-----

Dated this the 23<sup>rd</sup> day of June, 2015

**JUDGMENT**

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondent, 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. Briefly stated, the petitioner, a member of the first respondent Society, seeks the relief of postponing the election from 19.07.2015 to some other date after Ramsan, in view of religious observances. As can be seen, the administrative committee of the first respondent Society desired to hold the elections in terms of Exhibit P7 judgment of this Court, which in fact, directed the authorities concerned to complete the election process within a period of five months from the date of judgment, i.e. 25.02.2015.

3. It is evident from the record that essentially based on the direction of this Court in Exhibit P7 and also the

recommendation of the administrative committee, the fourth respondent Election Commission fixed 19.07.2015 as the election date, through Exhibit P5 proceedings. Now, the petitioner cites the reason of inconvenience to the majority of the members in the wake of Ramsan festival.

4. The learned counsel for the petitioner has brought to my notice Exhibit P6 resolution, said to have been passed by the administrative committee of the first respondent Society, proposing to recommend to the fourth respondent Election Commission for rescheduling the election.

5. The learned Government Pleader, on his part, has submitted that the fourth respondent Election Commission does not have any objection to consider Exhibit P6 resolution of the first respondent Society in statutory terms, without violating the judicial directive in Exhibit P7 judgment. At this juncture, the learned counsel for the petitioner has also brought to the notice of this Court that, through a separate order this Court in W.P. (C) No. 16527/2014, out of which Exhibit P7 judgment emanate, has extended the initial period of five months up to 30.08.2015.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court, without adverting to the merits of the matter, disposes of the writ petition with a direction to the fourth respondent Election Commission to consider Exhibit P6 resolution of the first respondent society strictly in statutory terms, keeping in view the extended time frame in W.P. (C) No. 16527/2014 and pass appropriate orders thereon, provided the respondent Election Commission has already received Exhibit P6 resolution and it is pending. It is made clear that in the event of the fourth respondent Commission deciding to postpone the elections, it may reschedule the election process, as provided under the relevant statute, and as it deem it proper.

**DAMA SESHADRI NAIDU  
JUDGE**

DMR/-