

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 19056 of 2015 (F)

PETITIONER:

REJI MATHEW, S/O. MATHEW,
VADAKKEMECHERY VEEDU,
BHARANANGANAM P.O,
MEENACHIL TALUK,
KOTTAYAM DISTRICT.

BY ADVS.SRI.BABY THOMAS
SRI.LATHEESH SEBASTIAN

RESPONDENTS:

1. THE JOINT REGISTRAR OF CO-OPERTIVE SOCIETIES,
KOTTAYAM - 686 001.
2. THE ASSISTANT REGISTRAR (CO-OPERATIVE SOCIETIES),
MEENACHIL, PALA, KOTTAYAM DISTRICT - 686 595.
3. THE REGISTRAR OF CO-OEPRATIVE SOCIETIES,
THRIUVANANTHAPURAM - 695 001.

R BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 19056 of 2015 (F)

PETITIONER'S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE APPLICATION OF THE PETITIONER

EXHIBIT P2 TRUE COPY OF THE APPLICATION WITHOUT ENCLOSURES OF THE PETITIONER

EXHIBIT P3 TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 15-11-2014

EXHIBIT P4 TRUE COPY OF THE RECEIPT ISSUED FROM THE BHARANANGANAM BRANCH OF KOTTAYAM DISTRICT CO-OPERATIVE BANK DATED 03-12-2014

EXHIBIT P5 TRUE COPY OF THE APPLICATION OF THE PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT P6 TRUE COPY OF THE APPLCIATION OF THE PETITIONER DATED 24-02-2015

EXHIBIT P7 TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 02-06-2015 BEARING NO 08534/14

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.19056 of 2015 F

Dated this the 17th day of July, 2015

JUDGMENT

The petitioner, said to be the Chief Promoter of a Co-operative Society known as Bharananganam Agricultural Improvement Co-operative Society, filed an application before the first respondent seeking the Society's registration. Later, since the first respondent has not taken any decision within ninety days in terms of Section 7(3) of the Kerala Co-operative Societies Act ('the Act' for brevity), the petitioner is said to have submitted Exhibit P6 representation before the third respondent. Seeking expeditious disposal of the issue concerning registration of the Society, the petitioner has approached this Court.

2. Indeed, on an earlier occasion the petitioner filed W.P.(C)No.16094/2015 before this Court seeking a direction

to the first respondent herein to consider his application for registration of the Society expeditiously. It seems, soon after filing of the said writ petition, the first respondent passed Exhibit P7 order rejecting the petitioner's claim for registration of the Society. As a result, the learned counsel for the petitioner has got W.P.(C)No.16094/2015 dismissed as having become infructuous.

3. In so far as the present writ petition is concerned, the singular contention of the petitioner is that the first respondent has rejected the petitioner's claim for registration with a one line order in Exhibit P7, though the statute mandates that the authority has to give reasons for rejection. He has contended that the third respondent is eminently entitled to act on petitioner's Exhibit P6 representation and pass appropriate orders thereon.

4. The learned Government Pleader, in my view fairly, has submitted that Exhibit P7 is indefensible because

it does not contain any reasons for rejection. He has further submitted that the third respondent on his own cannot take a decision concerning the registration of the Society, but can only direct the first respondent to take an appropriate decision. He has also submitted that since it is only a direction to be given by the third respondent to the first respondent for re-consideration of the issue, obviating the said process this Court can as well direct the first respondent to re-consider the issue in terms of Section 7(4) (b) of the Act and pass appropriate orders thereon.

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 hereby sets aside Exhibit P7 order passed by the first respondent; consequently, this Court further directs the first respondent to re-consider the issue in terms of Section 7 of the Act and pass appropriate orders thereon, as

expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment.

The writ petition, accordingly, stands disposed of. No order as to costs.

Dama Seshadri Naidu, Judge

tkv