

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. 19381 of 2014 (W)

PETITIONER(S):

- 1. PALLICKAL FARMERS SERVICE CO-OPERATIVE
BANK LIMITED NO.T.230, PALLICKAL P.O.,
KILIMANOOR, REPRESENTED BY ITS PRESIDENT
B.UNNIKRISHNAN PILLAI.**
- 2. B.UNNIKRISHNAN PILLAI,
RESIDING AT ADUKKON VEEDU, PAKALKURI P.O.,
PALLICKAL, KILIMANOOR, THIRUVANANTHAPURAM,
PRESIDENT, PALLICKAL FARMERS SERVICE
CO-OPERATIVE BANK LTD. NO.T.230.**

**BY ADVS.SRI.THOMAS ABRAHAM,
SMT.MERCIAMMA MATHEW,
SRI.ASWIN.P.JOHN.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. KERALA STATE CO-OPERATIVE ELECTION COMMISSION,
CO-BANK TOWERS, TRIVANDRUM-695 001.**
- 3. ELECTORAL OFFICER,
ELECTION TO THE MANAGING COMMITTEE OF PALLICKAL
FARMERS SERVICE CO-OPERATIVE BANK LTD. NO.T.230,
KILIMANOOR, O/O. ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES (G),
CHIRAYINKIL, THIRUVANANTHAPURAM-695 604.**
- 4. RETURNING OFFICER,
ELECTION TO THE MANAGING COMMITTEE OF PALLICKAL
FARMERS SERVICE CO-OPERATIVE BANK LTD.NO.T.230 ,
KILIMANOOR, O/O. ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES (GENERAL),
CHIRAYINKIL, TRIVANDRUM-695 604.**

5. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), THIRUVANANTHAPURAM-695 001.
6. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), CHIRAYINKIL, TRIVANDRUM-695 001.
7. MANAGING DIRECTOR,
PALLICKAL FARMERS SERVICE CO-OPERATIVE
BANK LTD.NO.T.230, KILIMANOOR P.O., PIN-695 604.

* ADDL. R8 IMPEADED

8. A. ANSAR, AGED 43 YEARS,
S/O.ALI UMMER, ANSAR MANZIL, MUKKAMCODE,
PALLICKAL, THIRUVANANTHAPURAM -695 604.

* ADDL. R8 IS IMPEADED AS PER ORDER DATED 05/08/2014 IN
IA. NO.10493/2014.

** ADDL. R9 IMPEADED

9. K.R. NAZAR, S/O.KHADERMEERA RAVUTHAR,
PUTHEN HOUSE, KATTUPUTHUSSERI, PALLICKAL,
THIRUVANANTHAPURAM.

** ADDL. R9 IS IMPEADED AS PER ORDER DATED 09/01/2015 IN
I.A. NO.15069/2014.

R1 TO R6 BY GOVT. PLEADER SRI.GIKKU JACOB.
R7 BY ADV. SRI.K.B.ARUNKUMAR.
ADDL. R8 BY ADV. SRI.T.M.ABDUL LATHEEF.
ADDL. R9 BY ADV. SRI.P.N.MOHANAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-01-2015, ALONG WITH WP(C).NO.20713 OF 2014, AND
CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE ORDER NO.E(1)/1418/2014/S.C.E.C. DATED 05/06/2014.
- EXT.P2 COPY OF THE JUDGMENT IN WP(C).NO. 18342/2012.
- EXT.P3 COPY OF THE NOTICE NO.C.R.P.(2) 2498/2014 DATED 24/06/2014 ISSUED BY THE 5TH RESPONDENT.
- EXT.P4 COPY OF THE ORDER DATED 22/07/2014 OF THE ELECTION COMMISSION.
- EXT.P4A COPY OF THE ORDER DATED 22/07/2014 ISSUED BY THE 2ND RESPONDENT.
- EXT.P5 COPY OF THE REPRESENTATION DATED 24/07/2014.
- EXT.P6 COPY OF THE REPRESENTATION DATED 26/07/2014.
- EXT.P7 COPY OF THE GOVERNMENT ORDER DATED 20/03/2014.
- EXT.P8 COPY OF THE REPRESENTATION DATED 04/08/2014 SUBMITTED BY THE PETITIONERS.
- EXT.P9 COPY OF THE ORDER DATED 14/07/2014 OF THE 5TH RESPONDENT.
- EXT.P10 COPY OF THE ORDER ISSUED BY THE 5TH RESPONDENT TO THE 7TH RESPONDENT MANAGING DIRECTOR.
- EXT.P11 COPY OF THE EXPLANATION SUBMITTED BY THE MANAGING DIRECTOR ON 02/08/2014.
- EXT.P12 COPY OF THE NOTICE PUBLISHED BY THE 2ND PETITIONER PANEL IN THE ELECTION.
- EXT.P13 COPY OF THE MINUTES OF THE MANAGING COMMITTEE.
- EXT.P13A COPY OF THE ANOTHER MINUTES OF THE MEETING IN WHICH THE DATE OF ELECTION WAS FIXED AS 26/07/2014.
- EXT.P14 COPY OF THE SAMPLE NOTICE ISSUED EARLIER WHICH WAS SIGNED BY THE PETITIONER.
- EXT.P15 COPY OF THE RESOLUTION NO.485 DATED 06/08/2014 SENT TO THE ELECTION COMMISSION ALONG WITH COPIES OF OTHER DOCUMENTS.

WP(C).No. 19381 of 2014 (W)

- EXT.P15A** COPY OF THE RESOLUTION NO.485 DATED 06/08/2014 SENT TO THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL) THIRUVANANTHAPURAM ALONG WITH COPIES OF OTHER DOCUMENTS.
- EXT.P15B** COPY OF THE RESOLUTION NO.485 DATED 06/08/2014 SENT TO THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), CHIRAYINKIL ALONG WITH COPIES OF OTHER DOCUMENTS.
- EXT.P16** COPY OF THE JUDGMENT DATED 05/02/2014 IN WP(C).NO. 29267/2013.

RESPONDENT'S EXHIBITS:-

- EXT.R8A** COPY OF THE PETITION DATED 30/07/2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT.R8B** COPY OF THE COMMITTEE NOTICE BOOK FOR MEETING NO.6/14-17 DATED 24/07/2014 ALONG WITH THE DECISION.
- EXT.R8C** COPY OF THE COMMITTEE NOTICE BOOK FOR MEETING NO.7/14-15 DATED 26/07/2014.
- EXT.R8D** COPY OF THE PETITION DATED 25/07/2014 SUBMITTED BY THE PETITIONER BEFORE THE 6TH RESPONDENT.
- EXT.R8E** COPY OF THE LETTER NO.K.M.R.1074/14 DATED 14/07/2014 OF THE 6TH RESPONDENT.

//TRUE COPY//

P.A TO JUDGE

rs.

V. CHITAMBARESH, J

**WP(C) NOs. 19381, 20713, 21431,
21559 AND 29027 OF 2014**

Dated this the 9th day of January, 2015

JUDGMENT

The election as per the notification dated 18.06.2014 did not take place and an Administrative Committee is in office. Rule 18A of the Kerala Co-operative Societies Rules have now been brought in by amendment. The voters list requires to be pruned and fresh notification issued for the conduct of the election. It will be inappropriate to proceed further with the election notification dated 19.06.2014 after the efflux of time.

2. Interest of justice would be met by directing a fresh notification to be issued for the conduct of election. Three members of the erstwhile Managing Committee are now functioning as the Administrative Committee. Some of the petitioners have a grievance about the continuance of those members in the Administrative Committee. It is their contention that they have been disqualified for being a member of the Co-operative bank itself. I leave it open to the Joint Registrar to

WP(C) No. 19381/2014 & connected cases

consider whether an Administrative Officer appointed as the Administrator or the members of the Administrative Committee permitted to continue.

3. Few members have reportedly surrendered their identity cards to the bank. It shall be ensured that all eligible persons are permitted to exercise their right of franchisee. Voters list should be pruned and the notification issued for the conduct of the election. Every endeavour shall be made to conduct the election to the Managing Committee of the Bank within a period of six months.

The Writ Petitions are disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

ncd