

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 23553 of 2009 (L)

PETITIONER :

**THE MANAGING COMMITTEE,
MULAKUZHA SERVICE CO-OPERATIVE BANK LTD.1224,
MULAKUZHA P.O., CHENGANNUR, ALAPPUZHA DISTRICT,
REPRESENTED BY THE PRESIDENT ADV.VENU MULAKUZHA.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT(S):

- 1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
ALAPPUZHA.**
- 2. THE RETURNING OFFICER,
MULAKUZHA SERVICE CO-OPERATIVE BANK LTD.1224,
MULAKUZHA P.O., CHENGANNUR, ALAPPUZHA DISTRICT.**
- 3. V.P.KOCHU KUNJU, ANIL RAJ NILAYAM,
KARAKKAD P.O., CHENGANNUR, ALAPPUZHA DISTRICT.**
- 4. A.G.ANILKUMAR,
AMBIKA SADANAM, KARAKKAD P.O., CHENGANNUR,
ALAPPUZHA DISTRICT.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.SOJAN JAMES
R3 & R4 BY ADV. SRI.P.C.SASIDHARAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE NOTICE DATED 28/2/09 PUBLISHED IN MALAYALA MANORAMA DAILY.**
- P2 COPY OF THE RELEVANT PAGE OF THE PRINTED BOOK LET.**
- P3 COPY OF THE NOTICE DATED 1/6/09 PUBLISHED IN MATHRUBHUMI DAILY DATED 2/7/2009**
- P4 COPY OF THE INTIMATION GIVEN TO THE MEMBERS PUBLISHED IN MATHRUBHUMI DAILY DATED 25/7/09**
- P5 COPY OF THE NOTICE DATED 12/8/09 ALONG WITH THE COMPLAINT.**
- P6 COPY OF THE ELECTION NOTIFICATION NO.E(2)/1231/09/SCEC DATED 18/7/09**
- P7 COPY OF THE REQUEST DATED 14/8/09 GIVEN TO THE RETURNING OFFICER.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.23553 of 2015

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Dated this the 16th day of November, 2015

JUDGMENT

The petitioner, the managing committee of the Mulakuzha Service Co-operative Bank, has approached this Court alleging that election to the board of directors of the society is notified to be held on 22.8.2009. On the basis of the decision taken by the general body of the society, security band invisible logo identity card was issued to the members. The petitioner further alleges that the said decision and the implementation of the same is sought to be rescinded by the first respondent on account of extraneous considerations and political reference by fixing a hearing on 19.8.2009 when the polling is scheduled on 22.8.2009. Hence, this writ petition is filed challenging the steps taken by the first respondent.

2. This Court by interim order dated 19.8.2009 issued the following directions:

- (a) That in the election, the members of the society, who report for voting either with new identity cards issued pursuant to the resolution dated 21.3.2009 or the cards already issued, will be permitted to cast their votes.
- (b) In case, the identity of any voter possessing the identify card newly issued or already issued is in dispute, the identity of the person concerned will be verified by the Returning Officer with reference to the photograph in form 6B register.
- (c) It is directed that the voters polled by those members, who report for voting with the old identity cards will be received in separate ballot boxes and shall also be counter separately.
- (d) However, the result of the election shall be declared based on the votes of those members, who have voted on the strength of the identity cards issued in pursuant to the General Body resolution dated 21.3.2009. This will be purely provisional and subject to the result of the writ petition.
- (e) The bank is directed to issue a public notice in the news papers in which Exts.P3 and P4 notices were published, offering to issue

identity cards to the members, who have not collected identify cards issued pursuant to the resolution dated 21.3.2009, making it clear that it would be open to those members of the society to collect the identity cards till 5 p.m on 21.8.2009. The public notice shall be published tomorrow itself.

3. The learned counsel for the petitioner submits that on the basis of the directions and also on the basis of Ext.P4, identity cards were issued, elections were held and new managing committee has come into power.

As the very purpose sought to be achieved by filing of the writ petition has been served, the writ petition is disposed of making the interim order dated 19.8.2009 absolute and making it clear that it will be applicable to the future situations also.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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